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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

LD, DB, BW, RH, and CJ on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH, INC.,
a California Corporation, and
MULTIPLAN, INC., a New York
Corporation,

Defendants.

Case No. 4:20-cv-02255-YGR
Related Case: 4:20-cv-02249-YGR

**MULTIPLAN'S OBJECTIONS AND
RESPONSES TO PLAINTIFFS' THIRD SET
OF REQUESTS TO PRODUCE TO
DEFENDANT MULTIPLAN, INC.**

Defendant MultiPlan, Inc. ("MultiPlan"), by and through its undersigned counsel, hereby
responds to Plaintiffs' Third Set of Requests to Produce to Defendant MultiPlan, Inc. (the "Requests").

PRELIMINARY STATEMENT AND OBJECTIONS

MultiPlan has made diligent effort to respond to the Requests, but reserves the right to change,
amend, or supplement its responses and objections. MultiPlan also reserves the right to use discovered
documents and documents now known, but whose relevance, significance, or applicability has not yet
been ascertained. Additionally, MultiPlan does not waive its right to assert any and all applicable

1 privileges, doctrines, and protections, and hereby expressly states its intent and reserves its right to
2 withhold responsive information on the basis of any and all applicable privileges, doctrines, and
3 protections.

4 MultiPlan's responses are made without in any way waiving or intending to waive, but on the
5 contrary, intending to preserve and preserving, its right, in this litigation or any subsequent proceeding,
6 to object on any grounds to the use of documents produced in response to the Requests, including
7 objecting on the basis of authenticity, foundation, relevancy, materiality, privilege, and admissibility
8 of any documents produced in response to the Requests.

9 MultiPlan objects to a large number of the Requests on the basis that they are unintelligible.
10 MultiPlan is a cost-containment company that contracts with third-party payors, such as insurance
11 companies, employee benefit plans, self-funded insurance plans, health maintenance organizations,
12 and third-party administrators ("TPAs"), to provide health care cost-management solutions, including
13 network, negotiation, claim pricing, and/or payment accuracy services. However, MultiPlan itself is
14 not an insurance company, TPA, or other third-party payor. MultiPlan does not market, sell, sponsor,
15 insure, issue, or administer health benefit plans or programs to or for any consumers. MultiPlan does
16 not assume any of the financial risk associated with the payment of any medical expenses incurred by
17 members of its clients' health plans or programs. MultiPlan also does not determine eligibility, verify
18 benefits, adjudicate or pay claims, or authorize services under any health benefit plans or programs in
19 connection with any of the cost-containment services that it provides. Such financial and other
20 obligations are solely those of the health plans with which MultiPlan contracts. Thus, a significant
21 portion of Plaintiffs' Requests, insofar as they are directed towards MultiPlan, make no sense.
22 MultiPlan is not required to, and will not, engage in Plaintiffs' unfounded fishing expedition.

23 MultiPlan also objects to the Requests insofar as they seek information pertaining to products,
24 services, and pricing methodologies not at issue in this case. As currently pled, Plaintiffs' Complaint
25 challenges the legitimacy of payments received on out-of-network claims for intensive outpatient
26 ("IOP") programs for which reimbursement rates were calculated using Viant's OPR product.
27 Therefore, MultiPlan objects to many Requests on the grounds that they seek information not relevant
28

1 to the claims or defenses of any party and not reasonably calculated to lead to the discovery of
2 admissible evidence.

3 Likewise, a significant portion of the documents requested are in the possession, custody, or
4 control of the Plaintiffs and/or other Defendants in this action. To request them from MultiPlan is
5 inappropriate, disproportionate, and a waste of resources. Additionally, MultiPlan has already
6 produced to Plaintiffs thousands of documents in this case, with more on the way, and many of which
7 are directly responsive to Plaintiffs' duplicative Requests.

8 Furthermore, many of the Requests are overbroad and unduly burdensome and would require
9 MultiPlan to conduct individualized research on each and every potential claim and/or to search
10 multiple systems and e-mail accounts for an unknown number of unidentified custodians in order to
11 locate potentially responsive information and to potentially review thousands, if not tens or even
12 hundreds of thousands, of pages of documents. Such a search would likely require numerous
13 employees and hundreds of hours to complete, which would be clearly unduly burdensome and
14 disproportionate to the needs of the case. Accordingly, MultiPlan's production of any non-privileged,
15 responsive documents will be reasonably tailored to the needs of this specific case.

16 MultiPlan objects to each and every Request, Definition, and Instruction to the extent it
17 purports to impose obligations on MultiPlan greater than or beyond those required under the Federal
18 Rules of Civil Procedure ("Federal Rules"), and the Local Civil Rules of the United States District
19 Court for the Northern District of California ("Local Rules"), or the Parties' ESI Protocol.

20 MultiPlan objects to the Requests to the extent they do not define the Relevant Time Period.
21 Many of the Requests request the production of documents from January 1, 2015 to the present, which
22 MultiPlan objects to as overly broad and unduly burdensome. During a prior meet and confer,
23 Plaintiffs stated that the Relevant Time Period in this action should begin January 1, 2015 because
24 RICO is subject to a five-year statute of limitations. However, civil RICO claims are subject to a four-
25 year statute of limitations. *Agency Holding Corp. v. Malley-Duff & Assocs., Inc.*, 483 U.S. 143 (1987).
26 Likewise, the statute of limitations for an ERISA claim for benefits, as supplied by California state
27 law, is four years. *Wetzel v. Lou Ehlers Cadillac Grp. Long Term Disability Ins. Program*, 222 F.3d
28

643, 648 (9th Cir. 2000). Plaintiffs filed this action on April 2, 2020, meaning the Relevant Time Period should begin, at the absolute earliest, on April 2, 2016. With very limited exceptions, MultiPlan does not believe that documents created earlier than April 2, 2016 are reasonably calculated to lead to the discovery of admissible evidence at this time. As such, in responding and objecting to these Requests, MultiPlan will consider the Relevant Time Period to be April 2, 2016 to the present.

Finally, as stated throughout, MultiPlan reserves the right to amend, supplement, and correct its objections or responses as necessary.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. MultiPlan objects to Plaintiffs' definition of "Defendants" (as well as "You" and "Your") on the ground that it is vague, ambiguous, overly broad and unduly burdensome. In particular, Plaintiffs purport to sweep in various distinct persons and entities through this definition. MultiPlan will respond to these Requests for Production of Documents only on behalf of MultiPlan, Inc. MultiPlan will not search for or produce materials beyond its possession, custody, or control. MultiPlan will answer the Requests only based upon its knowledge, materials and information in its possession, and belief formed after reasonable inquiry.

2. MultiPlan objects to Plaintiffs' definition of "person" on the ground that it is overly broad and unduly burdensome. In particular, Plaintiffs purport to sweep in various distinct persons and entities through this definition who are not proper parties to this case and not properly subject to discovery. MultiPlan will respond to these Requests for Production of Documents on behalf of MultiPlan, Inc., which is the named defendant in this case. MultiPlan will not search for or produce materials beyond its possession, custody, or control. MultiPlan will answer the Requests only based upon its knowledge, materials and information in its possession, and belief formed after reasonable inquiry.

3. MultiPlan objects to Plaintiffs' definition of "document(s)" to the extent that it seeks to impose obligations on MultiPlan beyond those required by the Federal Rules. MultiPlan further objects to this definition to the extent it calls for production of electronic information that is not reasonably

accessible, including any archived data or backup tapes that would be unduly burdensome to search or restore. MultiPlan will use the definition of “documents” set out in Federal R. Civ. P. 34.

4. MultiPlan objects to the “Instructions” accompanying the Requests to the extent they purport to impose any obligation on MultiPlan different from or greater than those imposed by the Federal Rules of Civil Procedure.

5. MultiPlan objects to the “Instructions” to the extent they seek to impose obligations on MultiPlan beyond what is contemplated by the Parties’ Protective Order and the ESI Protocol. MultiPlan will produce documents in compliance with the Protective Order and the ESI Protocol.

RESPONSES AND OBJECTIONS TO
REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Any and all documents relied upon by You in responding to Interrogatory 1 in Plaintiffs’ first set of interrogatories served on You.

RESPONSE:

Subject to and without waiving its Preliminary Statement and Objections, Objections to Definitions and Instructions, and its specific objections and answer to Interrogatory No. 1 in Plaintiffs’ Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein), MultiPlan states that no documents were relied upon in responding to Interrogatory No. 1. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 2:

Any and all documents relied upon by You in responding to Interrogatory 2 in Plaintiffs’ first set of interrogatories served on You.

RESPONSE:

Subject to and without waiving its Preliminary Statement and Objections, Objections to Definitions and Instructions, and its specific objections and answer to Interrogatory No. 2 in Plaintiffs’ Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein),

MultiPlan states that no documents were relied upon in responding to Interrogatory No. 2. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 3:

Any and all documents relied upon by You in responding to Interrogatory 3 in Plaintiffs' first set of interrogatories served on You.

RESPONSE:

Subject to and without waiving its Preliminary Statement and Objections, Objections to Definitions and Instructions, and its specific objections and answer to Interrogatory No. 3 in Plaintiffs' Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein), MultiPlan refers Plaintiffs to its Viant Facility U&C Outpatient Review (OPR) Module *i.e.*, "whitepapers," which were previously produced at MPI-0005523 and MPI-0006010. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 4:

Any and all documents relied upon by You in responding to Interrogatory 4 in Plaintiffs' first set of interrogatories served on You.

RESPONSE:

Subject to and without waiving its Preliminary Statement and Objections, Objections to Definitions and Instructions, and its specific objections and answer to Interrogatory No. 4 in Plaintiffs' Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein), MultiPlan refers Plaintiffs to its Viant Facility U&C Outpatient Review (OPR) Module *i.e.*, "whitepapers," which were previously produced at MPI-0005523 and MPI-0006010. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 5:

Any and all documents relied upon by You in responding to Interrogatory 5 in Plaintiffs' first set of interrogatories served on You.

RESPONSE:

Subject to and without waiving its Preliminary Statement and Objections, Objections to Definitions and Instructions, and its specific objections and answer to Interrogatory No. 5 in Plaintiffs' Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein), MultiPlan refers Plaintiffs to the documents it has already produced in this case, including but not limited to, the documents produced at MPI-0007754. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 6:

Any and all documents relied upon by You in responding to Interrogatory 6 in Plaintiffs' first set of interrogatories served on You.

RESPONSE:

Subject to and without waiving its Preliminary Statement and Objections, Objections to Definitions and Instructions, and its specific objections and answer to Interrogatory No. 6 in Plaintiffs' Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein), MultiPlan refers Plaintiffs to the documents it has already produced in this case, including but not limited to, the documents produced at MPI-0000553, MPI-0001884, MPI-0002892, MPI-0005523, MPI-0005644, MPI-0005887, MPI-0005889, MPI-0006010, MPI-0006884, MPI-0007876, MPI-0007942, and MPI-0011261. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 7:

Any and all documents relied upon by You in responding to Interrogatory 7 in Plaintiffs' first set of interrogatories served on You.

RESPONSE:

Subject to and without waiving its Preliminary Statement and Objections, Objections to Definitions and Instructions, and its specific objections and answer to Interrogatory No. 7 in Plaintiffs' Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein),

MultiPlan states that no documents were relied upon in responding to Interrogatory No. 7. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 8:

Any and all documents relied upon by You in responding to Interrogatory 8 in Plaintiffs' first set of interrogatories served on You.

RESPONSE:

Subject to and without waiving its Preliminary Statement and Objections, Objections to Definitions and Instructions, and its specific objections and answer to Interrogatory No. 8 in Plaintiffs' Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein), MultiPlan refers Plaintiffs to the documents it has already produced in this case, including but not limited to, the documents produced at MPI-0007754. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 9:

Any and all documents relied upon by You in responding to Interrogatory 9 in Plaintiffs' first set of interrogatories served on You.

RESPONSE:

Subject to and without waiving its Preliminary Statement and Objections, Objections to Definitions and Instructions, and its specific objections and answer to Interrogatory No. 9 in Plaintiffs' Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein), MultiPlan refers Plaintiffs to the documents it has already produced in this case, including but not limited to, the documents produced at MPI-0000161, MPI-0000183, MPI-0000191, MPI-0000197, MPI-0000224, MPI-0000234, MPI-0000236, MPI-0000237, MPI-0000239, MPI-0000257, MPI-0000279, MPI-0000291, MPI-0000303, MPI-0000327, MPI-0000340, MPI-0000341, MPI-0000343, MPI-0000360, MPI-0000373, MPI-0000403, MPI-0000404, MPI-0000417, MPI-0000428, MPI-0000446, MPI-0000464, MPI-0000465, MPI-0002321, MPI-0002894, MPI-0002928, MPI-0002933, MPI-0006471, MPI-0006894, MPI-0006936, MPI-0007515, MPI-0007877, MPI-0007947, MPI-0008716, MPI-0008717, MPI-0008719, MPI-0008720, MPI-0008722, MPI-0008723, MPI-0008725,

1 MPI-0008726, MPI-0008738, MPI-0008739, MPI-0008740, MPI-0008741, MPI-0008785, MPI-
2 0009042, MPI-0009074, MPI-0009179, MPI-0009223, MPI-0009269, MPI-0009569, MPI-0009939,
3 MPI-0010516, MPI-0010956, MPI-0011084, MPI-0011120, MPI-0011345, MPI-0011672, and MPI-
4 0011804. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

5 **REQUEST FOR PRODUCTION NO. 10:**

6 Any and all documents relied upon by You in responding to Interrogatory 10 in Plaintiffs' first
7 set of interrogatories served on You.

8 **RESPONSE:**

9 Subject to and without waiving its Preliminary Statement and Objections, Objections to
10 Definitions and Instructions, and its specific objections and answer to Interrogatory No. 10 in
11 Plaintiffs' Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth
12 herein), MultiPlan states that no documents were relied upon in responding to Interrogatory No. 10.
13 Furthermore, MultiPlan will meet and confer with Plaintiffs to understand what information is actually
14 sought by Plaintiffs, and what documents or information, if any, can be reasonably provided.
15 MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

16 **REQUEST FOR PRODUCTION NO. 11:**

17 Any and all documents relied upon by You in responding to Interrogatory 11 in Plaintiffs' first
18 set of interrogatories served on You.

19 **RESPONSE:**

20 Subject to and without waiving its Preliminary Statement and Objections, Objections to
21 Definitions and Instructions, and its specific objections and answer to Interrogatory No. 11 in
22 Plaintiffs' Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth
23 herein), MultiPlan states that no documents were relied upon in responding to Interrogatory No. 11.
24 Furthermore, MultiPlan states that the substantial burden of producing any call recordings far
25 outweighs their probative value, if they have any probative value at all. MultiPlan reserves the right
26 to timely supplement and/or amend its response to this Request.

1 DATED: July 8, 2022

2 By: /s/ Errol J. King, Jr.
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18 Attorneys for Defendant, MultiPlan, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July 2022 a copy of the foregoing was served via electronic mail upon all counsel of record:

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themselves and all others similarly situated,

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UNITED BEHAVIORAL HEALTH, INC.,
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Defendants.

Case No. 4:20-cv-02255-YGR

Related Case: 4:20-cv-02249-YGR

**MULTIPLAN'S OBJECTIONS AND
ANSWERS TO PLAINTIFFS' SPECIAL
INTERROGATORIES TO DEFENDANT
MULTIPLAN, INC.**

Defendant MultiPlan, Inc. ("MultiPlan"), by and through its undersigned counsel, hereby answers Plaintiffs' Special Interrogatories to Defendant MultiPlan, Inc. (the "Interrogatories"), without waiving or intending to waive, and expressly preserving as follows:

1. All objections to the competency, relevancy, materiality, privilege and admissibility of the answers to the Interrogatories and the subject matter thereof, as evidence for any purpose in any further proceeding in this action, including any trial of the action and any other action;

2. The right to object to the use of any such answers or documents, or the subject matter thereof, on any ground in any further proceeding of this action, including the trial of this action and in any other action;

3. The right to object on any ground at any time, to a request for further answers to the Interrogatories, or any other demand or document request or other discovery proceeding involving or relating to the subject matter of this controversy;

4. The right at any time to revise, correct, add, supplement, or clarify any of the Answers contained herein; and

GENERAL OBJECTIONS

1. MultiPlan objects to the Interrogatories to the extent that they conflict with or exceed the scope of discovery permitted by federal law. MultiPlan will provide its Answers to the Interrogatories in accordance with the Federal Rules of Civil Procedure.

2. MultiPlan objects to the Interrogatories to the extent that they seek the disclosure of materials protected from disclosure by the attorney-client privilege, the work product doctrine or any other applicable privilege or protected doctrine herein. Such privileges are explicitly preserved and are not waived or limited by its Answers herein.

3. MultiPlan objects to the Interrogatories to the extent that they seek information that is not relevant to any party's claims or defenses.

4. MultiPlan objects to the Interrogatories to the extent that developing a response would be oppressive, unduly burdensome, unreasonably expensive or requiring unreasonable investigation on the part of MultiPlan.

5. MultiPlan objects to the Interrogatories to the extent that they are ambiguous, confusing, misleading, vague and/or unclear.

6. MultiPlan objects to the Interrogatories to the extent that they call for confidential, proprietary, or trade secret information.

1 7. MultiPlan objects to the Interrogatories to the extent they seek information that is
2 outside of MultiPlan's possession, custody, or control and/or that is equally available to Plaintiff as to
3 MultiPlan.

4 8. MultiPlan objects to the Interrogatories to the extent they do not define a Relevant Time
5 Period. Many of the Interrogatories request information from January 1, 2015 to the present, which
6 MultiPlan objects to as overly broad and unduly burdensome. During a prior meet and confer,
7 Plaintiffs stated that the Relevant Time Period in this action should begin January 1, 2015 because
8 RICO is subject to a five-year statute of limitations. However, civil RICO claims are subject to a four-
9 year statute of limitations. *Agency Holding Corp. v. Malley-Duff & Assocs., Inc.*, 483 U.S. 143 (1987).
10 Likewise, the statute of limitations for an ERISA claim for benefits, as supplied by California state
11 law, is four years. *Wetzel v. Lou Ehlers Cadillac Grp. Long Term Disability Ins. Program*, 222 F.3d
12 643, 648 (9th Cir. 2000). Plaintiffs filed this action on April 2, 2020, meaning the Relevant Time
13 Period should begin, at the absolute earliest, on April 2, 2016. With very limited exceptions, MultiPlan
14 does not believe that any information or documents created earlier than April 2, 2016 are reasonably
15 calculated to lead to the discovery of admissible evidence at this time. As such, in responding and
16 objecting to these Interrogatories, MultiPlan will consider the Relevant Time Period to be April 2,
17 2016 to the present.

18 9. In addition to these General Objections, MultiPlan may set forth further objections with
19 its specific Answers below. By setting forth such specific objections, MultiPlan does not intend to
20 limit or restrict these General Objections, which are incorporated by reference into its Answers. By
21 referring to one or more of these General Objections in its specific Answers, MultiPlan does not intend
22 to limit or restrict the applicability of these General Objections to any specific Interrogatory.

23 10. To the extent that MultiPlan responds to Interrogatories to which it objects, no
24 objections are waived. These Answers are made without waiver of and with full preservation of, all
25 issues as to competency, relevancy, materiality, privilege and/or admissibility of these Answers for any
26 purposes.
27
28

ANSWERS TO SPECIAL INTERROGATORIES

INTERROGATORY NO. 1:

Describe in detail the results of any and all efforts by MultiPlan to obtain, analyze, or undertake any review of the language contained in member's healthcare plans and whether MultiPlan's actions and use of Viant's OPR (often referred to as Facility R&C by the United Defendants) were consistent and/or permitted under said plans from January 1, 2015 to present.

ANSWER:

MultiPlan objects to Interrogatory No. 1 as being vague and ambiguous, particularly with respect to the terms and/or phrases "results," "any and all efforts," "language contained in member's healthcare plans," "MultiPlan's actions," and "consistent and/or permitted," all of which are undefined and subject to differing interpretations. MultiPlan also objects to this Interrogatory as overbroad and unduly burdensome, including on the ground that the phrase "member's healthcare plans" is not limited in any way. MultiPlan also objects to the extent this Interrogatory calls for a legal conclusion, is argumentative, unintelligible, and improperly assumes certain facts. MultiPlan is not an insurance company, TPA, or other third-party payor, and it has no "members." MultiPlan also does not administer health benefit plans or programs, nor does it adjudicate claims, pay claims, determine eligibility, allowed amounts, or rates of reimbursement. MultiPlan further objects to the extent this Interrogatory assumes MultiPlan has access to or knowledge of any "healthcare plans," which assumption MultiPlan specifically denies. Similarly, MultiPlan objects to the extent this Interrogatory suggests that MultiPlan had obligations to take certain acts. MultiPlan also objects to this Interrogatory on the grounds that it calls for a legal conclusion and privileged attorney work product by seeking information requiring legal analysis to determine whether something was "consistent and/or permitted" under certain contracts or agreements, which MultiPlan is not a party to and are the best evidence of their contents and speak for themselves. Finally, objects to this Interrogatory insofar as information relating to "member's healthcare plans" would likely be in the possession, custody or control of other parties and is equally available to Plaintiffs as to MultiPlan.

1 Subject to and without waiving the General Objections or the foregoing specific objections,
 2 MultiPlan states that, as a general matter, it does not have access to or knowledge of any of its clients',
 3 including United's, plan documents. Thus, it does not "obtain, analyze, or undertake any review of
 4 the language contained in member's healthcare plans." Any such obligations, to the extent they exist,
 5 are those of MultiPlan's clients who administer health benefit plans or programs, adjudicate claims,
 6 pay claims, determine eligibility, allowed amounts, or rates of reimbursement. MultiPlan reserves the
 7 right to timely supplement and/or amend its answer to this Interrogatory.

8 **INTERROGATORY NO. 2:**

9 Describe in detail the results of any and all efforts by MultiPlan to obtain, analyze, or undertake
 10 any review of the language contained in member's healthcare plans and whether MultiPlan's actions
 11 and the PAD letters directing patients and their providers to contact You were consistent and/or
 12 permitted under said plans from January 1, 2015 to present.

13 **ANSWER:**

14 MultiPlan objects to Interrogatory No. 2 as being vague and ambiguous, particularly with
 15 respect to the terms and/or phrases "results," "any and all efforts," "language contained in member's
 16 healthcare plans," "MultiPlan's actions," and "consistent and/or permitted," all of which are undefined
 17 and subject to differing interpretations. MultiPlan also objects to this Interrogatory as overbroad and
 18 unduly burdensome, including on the ground that the phrase "member's healthcare plans" is not
 19 limited in any way. MultiPlan also objects to the extent this Interrogatory calls for a legal conclusion,
 20 is argumentative, unintelligible, and improperly assumes certain facts. MultiPlan is not an insurance
 21 company, TPA, or other third-party payor, and it has no "members." MultiPlan also does not
 22 administer health benefit plans or programs, nor does it adjudicate claims, pay claims, determine
 23 eligibility, allowed amounts, or rates of reimbursement. MultiPlan further objects to the extent this
 24 Interrogatory assumes MultiPlan has access to or knowledge of any "healthcare plans," which
 25 assumption MultiPlan specifically denies. Similarly, MultiPlan objects to the extent this Interrogatory
 26 suggests that MultiPlan had obligations to take certain acts. MultiPlan also objects to this Interrogatory
 27 on the grounds that it calls for a legal conclusion and privileged attorney work product by seeking
 28

1 information requiring legal analysis to determine whether something was “consistent and/or
2 permitted” under certain contracts or agreements, which MultiPlan is not a party to and are the best
3 evidence of their contents and speak for themselves. Finally, information relating to “member’s
4 healthcare plans” would likely be in the possession, custody or control of other parties and is equally
5 available to Plaintiffs as to MultiPlan.

6 Subject to and without waiving the General Objections or the foregoing specific objections,
7 MultiPlan states that, as a general matter, it does not have access to or knowledge of any of its clients’,
8 including United’s, plan documents. Thus, it does not “obtain, analyze, or undertake any review of
9 the language contained in member’s healthcare plans.” Any such obligations, to the extent they exist,
10 are those of MultiPlan’s clients who administer health benefit plans or programs, adjudicate claims,
11 pay claims, determine eligibility, allowed amounts, or rates of reimbursement. Moreover, the language
12 in the “PAD letters” speak for themselves. MultiPlan reserves the right to timely supplement and/or
13 amend its answer to this Interrogatory.

14 **INTERROGATORY NO. 3:**

15 Describe in detail the results of any and all analysis, undertakings, in determining pricing rates
16 using Viant OPR (including the data set, sample size, geographic distribution, *etc.*) for intensive
17 outpatient claims from January 1, 2015 to present.

18 **ANSWER:**

19 MultiPlan objects to Interrogatory No. 3 as being vague and ambiguous, particularly with
20 respect to the terms and/or phrases “results,” “any and all analysis,” “undertakings,” and “determining
21 pricing rates,” all of which are undefined and subject to differing interpretations. MultiPlan also
22 objects to the extent this Interrogatory is argumentative and improperly assumes certain facts,
23 including that MultiPlan “determine[s] pricing rates.” MultiPlan also objects to the extent this
24 Interrogatory suggests that MultiPlan had obligations to take certain acts. MultiPlan also objects to
25 this Interrogatory to the extent that it seeks information which is subject to a claim of privilege or
26 which is otherwise protected from disclosure by, including without limitation, the attorney-client
27 privilege or the attorney work product doctrine.
28

1 Subject to and without waiving the General Objections or the foregoing specific objections,
 2 MultiPlan states that intensive outpatient claims are priced the same by Viant as any other outpatient
 3 claims. MultiPlan has already provided Plaintiffs in discovery, multiple times, with its Viant Facility
 4 U&C Outpatient Review (OPR) Module i.e., “whitepapers,” which explain in detail the relevant Viant
 5 pricing process. Thus, in accordance with Fed. R. Civ. P. 33(d), see documents previously produced.
 6 MultiPlan reserves the right to timely supplement and/or amend its answer to this Interrogatory.

7 **INTERROGATORY NO. 4:**

8 Describe in detail any and all efforts undertaken by You to obtain charge data for intensive
 9 outpatients (IOP) services from January 1, 2015 to present as well as any results or outcomes of such
 10 efforts.

11 **ANSWER:**

12 MultiPlan objects to Interrogatory No. 4 as being vague and ambiguous, particularly with
 13 respect to the terms and/or phrases “any and all efforts,” “obtain charge data,” and “results or
 14 outcomes,” all of which are undefined and subject to differing interpretations. MultiPlan also objects
 15 to this Interrogatory as overbroad and unduly burdensome on the ground that it seeks information
 16 relating to “any and all” such “efforts.” MultiPlan also objects to the extent this Interrogatory suggests
 17 that MultiPlan had obligations to take certain acts. MultiPlan further objects to this Interrogatory to
 18 the extent that it seeks information which is subject to a claim of privilege or which is otherwise
 19 protected from disclosure by, including without limitation, the attorney-client privilege or the attorney
 20 work product doctrine.
 21

22 Subject to and without waiving the General Objections or the foregoing specific objections,
 23 MultiPlan states that intensive outpatient claims are priced the same by Viant as any other outpatient
 24 claims. MultiPlan has already provided Plaintiffs in discovery, multiple times, with its Viant Facility
 25 U&C Outpatient Review (OPR) Module i.e., “whitepapers,” which explain in detail the relevant Viant
 26 pricing process, including the charge data it utilizes. Thus, in accordance with Fed. R. Civ. P. 33(d),
 27 see documents previously produced. Moreover, and as more fully explained in the referenced
 28 documents, Viant OPR uses CMS’ Standard Analytical Outpatient file, which includes data from

charges that providers submit to CMS. This charge data comes from more than 5,800 hospitals and over 30,000 other outpatient facility providers. Viant purchases the Standard Analytical Outpatient File on an annual basis promptly after it becomes available and incorporates the new data into the Viant OPR database as soon as is practical. MultiPlan reserves the right to timely supplement and/or amend its response to this Interrogatory.

INTERROGATORY NO. 5:

Describe in detail Your processes and procedures from January 1, 2015 to present for negotiation services offered by Viant for IOP claims sent by United to You.

ANSWER:

MultiPlan objects to Interrogatory No. 5 as being vague and ambiguous, particularly with respect to the terms and/or phrases “processes and procedures” and “negotiation services,” both of which are undefined and subject to differing interpretations. MultiPlan also objects to the extent this Interrogatory is argumentative and improperly assumes certain facts. Viant does not offer “negotiation services” with members or patients as this Interrogatory suggests. MultiPlan further objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence and not proportional to the needs of the case.

Subject to and without waiving the General Objections or the foregoing specific objections, MultiPlan states that Viant offers services to address inquiries from both providers and United’s members relating to priced claims and balance billing concerns. Viant’s only involvement with individual members, like the Plaintiffs in this case, occurs when a member becomes aware of a potential balance bill after his or her receipt of a Patient Advocacy (“PAD”) letter. The services are initiated when a member contacts Viant’s customer service unit with a question either via a phone call or e-mail. After receiving an inquiry from a member relating to a balance bill, generally, the next step is that one of Viant’s customer service representatives will reach out to the member to determine whether in fact the member is truly being balance billed. If it is determined that the member is in fact being balance billed, Viant opens an inquiry and assigns it to its provider inquiry team to contact the

1 provider to attempt a resolution with the intent being obtaining the deepest savings for the member
 2 and reducing the balance bill. Once the Viant provider inquiry team members gets in touch with the
 3 provider, they explain to the provider the methodology and how the pricing was derived. The provider
 4 inquiry team's negotiation parameters are based on the specific claim(s) at issue and the client's
 5 elections. Following the negotiation with the provider, Viant sends a follow up letter to the member
 6 to outline the outcome of the attempt. MultiPlan has also already provided Plaintiffs in discovery with
 7 documents regarding this process. Thus, in accordance with Fed. R. Civ. P. 33(d), see documents
 8 previously produced. MultiPlan reserves the right to timely supplement and/or amend its answer to
 9 this Interrogatory.

10 **INTERROGATORY NO. 6:**

11 Describe in detail the results of any and all analyses You conducted, considered, and/or
 12 reviewed regarding the implications of modifying or changing the percentile used by Viant in the
 13 pricing of IOP claims sent by United from January 1, 2015 to present.

14 **ANSWER:**

15 MultiPlan objects to Interrogatory No. 6 as being vague and ambiguous, particularly with
 16 respect to the terms and/or phrases "results," "any and all analysis," "implications," "modifying or
 17 changing," and "percentile used," which are undefined and subject to differing interpretations.
 18 MultiPlan also objects to the extent this Interrogatory is argumentative and improperly assumes certain
 19 facts. MultiPlan also objects to the extent this Interrogatory suggests that MultiPlan had obligations
 20 to take certain acts. MultiPlan also objects to this Interrogatory to the extent that it seeks information
 21 which is subject to a claim of privilege or which is otherwise protected from disclosure by, including
 22 without limitation, the attorney-client privilege or the attorney work product doctrine.

23
 24 Subject to and without waiving the General Objections or the foregoing specific objections,
 25 MultiPlan states that it has already provided Plaintiffs in discovery, multiple times, with its Viant
 26 Facility U&C Outpatient Review (OPR) Module i.e., "whitepapers," which explain in detail the
 27 relevant Viant pricing process, including the application of client selected percentiles. Thus, in
 28 accordance with Fed. R. Civ. P. 33(d), see documents previously produced. Moreover, and as more

1 fully explained in the referenced documents, MultiPlan's clients select the percentile that will
 2 determine Viant's reimbursement recommendation and by establishing other review parameters to suit
 3 their needs. Thus, MultiPlan will, upon request, present its clients with data and analyses regarding
 4 various percentiles in order for the clients to make an educated decision on the percentile that best
 5 suits their needs. MultiPlan has also already provided Plaintiffs in discovery with documents
 6 regarding this subject. Thus, in accordance with Fed. R. Civ. P. 33(d), see documents previously
 7 produced. MultiPlan reserves the right to timely supplement and/or amend its answer to this
 8 Interrogatory.

9 **INTERROGATORY NO. 7:**

10 Describe in detail the cost to MultiPlan of processing an IOP claim sent by United to MultiPlan
 11 using Viant OPR from January 1, 2015 to present.

12 **ANSWER:**

13 MultiPlan objects to Interrogatory No. 7 as being vague and ambiguous, particularly with
 14 respect to the terms and/or phrases "the cost" and "processing," both of which are undefined and
 15 subject to differing interpretations. MultiPlan also objects to the extent this Interrogatory is
 16 argumentative, unintelligible, and improperly assumes certain facts. MultiPlan does not "process" any
 17 claims. Subject to and without waiving the General Objections or the foregoing specific objections,
 18 MultiPlan states that it keeps no records of the cost of processing an IOP claim, and accordingly, has
 19 no "details" to provide. MultiPlan reserves the right to timely supplement and/or amend its answer to
 20 this Interrogatory.

21 **INTERROGATORY NO. 8:**

22 Describe in detail what steps, actions, policies, and/or procedures are taken by MultiPlan or its
 23 agents with regard to inquiries received by You from or regarding United's members who receive
 24 balance bills for out-of-network claims priced through Viant OPR from January 1, 2015 to present.

25 **ANSWER:**

26 MultiPlan objects to Interrogatory No. 8 as being vague and ambiguous, particularly with
 27 respect to the terms and/or phrases "steps," "actions," "policies, and/or procedures," and "inquiries,"
 28

all of which are undefined and subject to differing interpretations. MultiPlan also objects to the extent this Interrogatory is duplicative of Interrogatory No. 5, which MultiPlan fully answered above. MultiPlan further objects to this interrogatory as being overly broad as “agents” is undefined. MultiPlan further objects to this Interrogatory to the extent that it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving the General Objections or the foregoing specific objections, see MultiPlan’s Answer to Interrogatory No. 5. MultiPlan reserves the right to timely supplement and/or amend its answer to this Interrogatory.

INTERROGATORY NO. 9:

Describe in detail Your presentations, meetings, and/or discussions with United regarding the out-of-network market, including discussions of United’s competitors, covering out-of-network mental health / substance use disorder claims from January 1, 2015 to present.

ANSWER:

MultiPlan objects to Interrogatory No. 9 as being vague and ambiguous, particularly with respect to the phrase “discussions of United’s competitors.” MultiPlan also objects to this Interrogatory as overbroad and unduly burdensome on the ground that it seeks information relating to “presentations, meetings, and/or discussions” with one of MultiPlan’s biggest clients over a seven-year period. MultiPlan also objects to the extent this Interrogatory is argumentative and improperly assumes certain facts. MultiPlan has contractual relationships with many of “United’s competitors” and it does not share any specific confidential or proprietary information about its other clients with United.

Subject to and without waiving the General Objections or the foregoing specific objections, MultiPlan states that United is one of MultiPlan’s largest clients, and thus, there are many meetings and discussions amongst the parties on a wide variety of topics. MultiPlan has already produced to Plaintiffs in discovery substantial documentation relating to its Client Advisory Board meetings, annual meetings, quarterly meetings, and other communications with United. Thus, in accordance

1 with Fed. R. Civ. P. 33(d), see documents previously produced. MultiPlan reserves the right to timely
2 supplement and/or amend its answer to this Interrogatory.

3 **INTERROGATORY NO. 10:**

4 Describe in detail any analysis, study, or other efforts undertaken by you to determine the
5 frequency or rate that You received fees from United from the use of Viant OPR price including, but
6 not limited to, the proportion of claims returned to United with a Viant OPR that applied the Viant
7 OPR price from January 1, 2015 to present.

8 **ANSWER:**

9 MultiPlan objects to Interrogatory No. 10 as being vague and ambiguous, particularly with
10 respect to the terms and/or phrases “analysis, study, or other efforts undertaken,” “frequency or rate,”
11 “received fees,” and “proportion of claims returned,” all of which are undefined and subject to
12 differing interpretations. MultiPlan further objects to this Interrogatory on the grounds that it is
13 overbroad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the
14 discovery of admissible evidence and not proportional to the needs of the case. MultiPlan also objects
15 to the extent this Interrogatory is argumentative, unintelligible, and improperly assumes certain facts,
16 including that any such “analysis, study, or other efforts” have been undertaken. MultiPlan further
17 objects to the extent this Interrogatory suggests that MultiPlan had obligations to take certain acts.
18 Finally, MultiPlan also objects to this Interrogatory to the extent that it seeks information which is
19 subject to a claim of privilege or which is otherwise protected from disclosure by, including without
20 limitation, the attorney-client privilege or the attorney work product doctrine.

21 Subject to and without waiving the General Objections or the foregoing specific objections,
22 MultiPlan states that while its finance department keeps track of billing records for accounting
23 purposes, it does not run any analyses or reports “to determine the frequency or rate that [MultiPlan]
24 receives fees from United from the use of Viant OPR” as suggested by this Interrogatory. MultiPlan
25 reserves the right to timely supplement and/or amend its answer to this Interrogatory.
26
27
28

INTERROGATORY NO. 11:

Describe in detail how telephonic member and/or provider inquiries or other similar calls to You are recorded stored, indexed, utilized, and how such recordings may be later retrieved and reviewed.

ANSWER:

MultiPlan objects to Interrogatory No. 11 as being vague and ambiguous, particularly with respect to the terms and/or phrases “telephonic [...] inquiries,” and “other similar calls,” which are undefined and subject to differing interpretations. MultiPlan further objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence and not proportional to the needs of the case. MultiPlan also objects to the extent this Interrogatory is argumentative and improperly assumes certain facts, including that there is a “storing” of any such recordings that “may be later retrieved and reviewed.” MultiPlan further objects to the extent this Interrogatory suggests that MultiPlan had obligations to take certain acts.

Subject to and without waiving the General Objections or the foregoing specific objections, MultiPlan states that some calls are recorded and indexed based on the date of the call, time of the call, the agent who handled the call, and the toll-free number used. The call recordings reside on two systems of record, Cisco/OnviSource and Aspect/AQM. MultiPlan’s systems produce thousands of call recordings on a monthly basis, and the recordings are utilized for training and quality assurance purposes only. Due to the significant call volume, any search of these systems using the previously mentioned indexing information would result in thousands of results. MultiPlan reserves the right to timely supplement and/or amend its answer to this Interrogatory.

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2
3
4
5 DATED: July 8, 2022

6 By: /s/ Errol J. King, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July 2022 a copy of the foregoing was served via electronic mail upon all counsel of record .

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

LD, DB, BW, RH, and CJ on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH, INC.,
a California Corporation, and
MULTIPLAN, INC., a New York
Corporation,

Defendants.

Case No. 4:20-cv-02255-YGR
Related Case: 4:20-cv-02249-YGR

**MULTIPLAN'S OBJECTIONS AND
RESPONSES TO PLAINTIFFS' FIRST SET
OF REQUESTS TO PRODUCE TO
DEFENDANT MULTIPLAN, INC.**

Defendant MultiPlan, Inc. ("MultiPlan"), by and through its undersigned counsel, hereby
responds to Plaintiffs' First Set of Requests to Produce to Defendant MultiPlan, Inc. (the "Requests").

PRELIMINARY STATEMENT AND OBJECTIONS

MultiPlan has made diligent effort to respond to the Requests, but reserves the right to change,
amend, or supplement its responses and objections. MultiPlan also reserves the right to use discovered
documents and documents now known, but whose relevance, significance, or applicability has not yet
been ascertained. Additionally, MultiPlan does not waive its right to assert any and all applicable

1 privileges, doctrines, and protections, and hereby expressly states its intent and reserves its right to
2 withhold responsive information on the basis of any and all applicable privileges, doctrines, and
3 protections.

4 MultiPlan's responses are made without in any way waiving or intending to waive, but on the
5 contrary, intending to preserve and preserving, its right, in this litigation or any subsequent proceeding,
6 to object on any grounds to the use of documents produced in response to the Requests, including
7 objecting on the basis of authenticity, foundation, relevancy, materiality, privilege, and admissibility
8 of any documents produced in response to the Requests.

9 MultiPlan objects to a large number of the Requests on the basis that they are unintelligible.
10 MultiPlan is a cost-containment company that contracts with third-party payors, such as insurance
11 companies, employee benefit plans, self-funded insurance plans, health maintenance organizations,
12 and third-party administrators ("TPAs"), to provide health care cost-management solutions, including
13 network, negotiation, claim pricing, and/or payment accuracy services. However, MultiPlan itself is
14 not an insurance company, TPA, or other third-party payor. MultiPlan does not market, sell, sponsor,
15 insure, issue, or administer health benefit plans or programs to or for any consumers. MultiPlan does
16 not assume any of the financial risk associated with the payment of any medical expenses incurred by
17 members of its clients' health plans or programs. MultiPlan also does not determine eligibility, verify
18 benefits, adjudicate or pay claims, or authorize services under any health benefit plans or programs in
19 connection with any of the cost-containment services that it provides. Such financial and other
20 obligations are solely those of the health plans with which MultiPlan contracts. Thus, a significant
21 portion of Plaintiffs' Requests, insofar as they are directed towards MultiPlan, makes absolutely no
22 sense. MultiPlan is not required to, and will not, engage in Plaintiffs' unfounded fishing expedition.

23 MultiPlan also objects to the Requests insofar as they seek information pertaining to products,
24 services, and pricing methodologies not at issue in this case. As currently pled, Plaintiffs' Complaint
25 challenges the legitimacy of payments received on out-of-network claims for intensive outpatient
26 ("IOP") programs for which reimbursement rates were calculated using Viant's OPR product.
27 Accordingly, no other MultiPlan product, service, or pricing methodology is at issue in this case,
28

1 including, for example, Data iSight, as to which Plaintiffs seek information. Therefore, MultiPlan
 2 objects to many Requests on the grounds that they seek information not relevant to the claims or
 3 defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence.

4 Likewise, a significant portion of the documents requested are in the possession, custody, or
 5 control of the Plaintiffs and/or other Defendants in this action. To request them from MultiPlan is
 6 inappropriate, disproportionate, and a waste of resources,

7 Furthermore, many of the Requests are overbroad and unduly burdensome and would require
 8 MultiPlan to conduct individualized research on each and every potential claim and/or to search
 9 multiple systems and e-mail accounts for an unknown number of unidentified custodians in order to
 10 locate potentially responsive information and to potentially review thousands, if not tens or even
 11 hundreds of thousands, of pages of documents. Such a search would likely require numerous
 12 employees and hundreds of hours to complete, which would be clearly unduly burdensome and
 13 disproportionate to the needs of the case. Accordingly, MultiPlan's production of any non-privileged,
 14 responsive documents will be reasonably tailored to the needs of this specific case.

15 MultiPlan objects to each and every Request, Definition, and Instruction to the extent it
 16 purports to impose obligations on MultiPlan greater than or beyond those required under the Federal
 17 Rules of Civil Procedure ("Federal Rules"), and the Local Civil Rules of the United States District
 18 Court for the Northern District of California ("Local Rules"), or the Parties' anticipated ESI Protocol.

19 MultiPlan objects to the Requests to the extent they do not define the Relevant Time Period.
 20 Many of the Requests request the production of documents from January 1, 2015 to the present, which
 21 MultiPlan objects to as overly broad and unduly burdensome. Based on its current understanding of
 22 the facts, counsel for MultiPlan does not believe that Cigna began using the Viant OPR product for
 23 behavioral health outpatient facility claims until April 2016. Moreover, during a meet and confer,
 24 Plaintiffs stated that the Relevant Time Period in this action should begin January 1, 2015 because
 25 RICO is subject to a five-year statute of limitations. However, civil RICO claims are subject to a four-
 26 year statute of limitations. *Agency Holding Corp. v. Malley-Duff & Assocs., Inc.*, 483 U.S. 143 (1987).
 27 Likewise, the statute of limitations for an ERISA claim for benefits, as supplied by California state
 28

law, is four years. *Wetzel v. Lou Ehlers Cadillac Grp. Long Term Disability Ins. Program*, 222 F.3d 643, 648 (9th Cir. 2000). Plaintiffs filed this action on April 2, 2020, meaning the Relevant Time Period should begin, at the absolute earliest, on April 2, 2016. With very limited exceptions, MultiPlan does not believe that documents created earlier than April 2, 2016 are reasonably calculated to lead to the discovery of admissible evidence at this time. As such, in responding and objecting to these Requests, MultiPlan will consider the Relevant Time Period to be April 2, 2016 to the present.

Finally, as stated throughout, MultiPlan reserves the right to amend, supplement, and correct its objections or responses as necessary.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. MultiPlan objects to Plaintiffs' definition of "Defendants" (as well as "You" and "Your") on the ground that it is vague, ambiguous, overly broad and unduly burdensome. In particular, Plaintiffs purport to sweep in various distinct persons and entities through this definition. MultiPlan will respond to these Requests for Production of Documents only on behalf of MultiPlan, Inc. MultiPlan will not search for or produce materials beyond its possession, custody, or control. MultiPlan will answer the Requests only based upon its knowledge, materials and information in its possession, and belief formed after reasonable inquiry.

2. MultiPlan objects to Plaintiffs' definition of "person" on the ground that it is overly broad and unduly burdensome. In particular, Plaintiffs purport to sweep in various distinct persons and entities through this definition who are not proper parties to this case and not properly subject to discovery. MultiPlan will respond to these Requests for Production of Documents on behalf of MultiPlan, Inc., which is the named defendant in this case. MultiPlan will not search for or produce materials beyond its possession, custody, or control. MultiPlan will answer the Requests only based upon its knowledge, materials and information in its possession, and belief formed after reasonable inquiry.

3. MultiPlan objects to the definition of "Facility R&C" on the grounds that it is vague, overly broad, and unduly burdensome in that it seeks information about programs that are not relevant to

1 Plaintiffs' claims and allegations in this case, which challenge Viant's OPR pricing for intensive
2 outpatient programs.

3 4. MultiPlan objects to the definition of "Viant Facility UCR" on the grounds that it is vague,
4 overly broad, and unduly burdensome in that it seeks information about programs that are not relevant
5 to Plaintiffs' claims and allegations in this case, which challenge Viant's OPR pricing for intensive
6 outpatient programs.

7 5. MultiPlan objects to Plaintiffs' definition of "document(s)" to the extent that it seeks to
8 impose obligations on MultiPlan beyond those required by the Federal Rules. MultiPlan further objects
9 to this definition to the extent it calls for production of electronic information that is not reasonably
10 accessible, including any archived data or backup tapes that would be unduly burdensome to search
11 or restore. MultiPlan will use the definition of "documents" set out in Federal R. Civ. P. 34.

12 6. MultiPlan objects to the "Instructions" accompanying the Requests to the extent they
13 purport to impose any obligation on MultiPlan different from or greater than those imposed by the
14 Federal Rules of Civil Procedure.

15 7. MultiPlan objects to the "Instructions" to the extent they seek to impose obligations on
16 MultiPlan beyond what is contemplated by the Parties' Protective Order and the ESI Protocol.
17 MultiPlan will produce documents in compliance with the Protective Order and the ESI Protocol.

18 8. MultiPlan objects to the Instructions to the extent they seek to impose an obligation on
19 MultiPlan to "enter best estimates" if MultiPlan is unable to locate "accurate answers." It is unclear
20 what Plaintiffs envision for this instruction, but regardless, if no responsive, non-privileged documents
21 are in MultiPlan's possession, custody, or control, MultiPlan has no obligation – under the Federal
22 Rules of Civil Procedure, the Local Rules, applicable case law, or Stipulated Order Regarding
23 Discovery of Electronically Stored Information – to provide any "estimates."

RESPONSES AND OBJECTIONS TO
REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

A spreadsheet identifying any and all claims from received from United with HCPCS Code H0015, H2036, S9480, from January 1, 2015 to present. For each individual healthcare claim at issue indicate in a spreadsheet:

- a. The United and MultiPlan's Claim numbers;
- b. Bill Type (HCFA UB, and Bill type Code, 131, 111, *etc.*);
- c. Patient Information, Name, ID, Service Dates (to and from);
- d. Provider Name and information
- e. Service Zip code
- f. Total Charge, and relevant Line Data that includes Line number, Line Charge, Revenue Code, Units, HCPCS/CPT codes, modifiers, service dates, any Line Exclude Amounts, non-covered amounts, or indicators denoting exclusion in whole or in part, and any and all line notes on how the line was handled;
- g. Any Diagnosis Codes and Procedure Codes on the claim (*e.g.* ICD9 / ICD10 codes);
- h. Any edits applied to reduce the claim including, but not limited to, any CCI edits, Proprietary edits, and/or unit reductions;
- i. Denote any "assumed" information or codes applied or overwritten;
- j. Denote any Missing Value Adds, assumed zip codes, assumed HCPCS/CPT codes, assumed Revenue Codes, any Default Codes applied, or similar;
- k. Any UCR/UNC/U&C amount recommended by the Payer or Calculated for the Payer (*e.g.* any benchmark prices and their application);
- l. Indicate the methodology/methodologies that priced the claim (*e.g.*, DiP, Negotiation, Viant, or other method or tool);
- m. Indicate the hierarchy applied to the claim in processing;

- n. For claims priced with DiP or DiS, the “pure” or “raw” Data iSight amount prior to the application of overrides or other rules as well as after;
- o. For Viant claims, the percentile used to price the claim as well as the other prices / percentiles that were available to price the claim (*e.g.*, 50th, 60th, 70th, 80th, *etc.*) prior to the application of any overrides or other rules as well as after.
- p. The ‘target price’ of the claim and source of the ‘target price’, if applicable, for the claims;
- q. If Viant, indicate IPR, OPR, or Other;
- r. If Viant OPR, indicate markups and markdowns used for each line;
- s. The Multiplan priced amount returned to the Payer and the “Savings Amount” as calculated and indicated to the payer;
- t. The underlying data used (CMS, IMS or other);
- u. If priced using SAF, indicate the raw SAF amount for the claim before application of percentile;
- v. List the percentile used or applied for with Markups or Calculation of factors;
- w. For Viant what percentile was used from the data for each claim;
- x. List Conversion factors used, RVU factor, Status code indicators (CMS), any inflation factors, adjustments used to localize the data (GPCIs, Wage indexes *etc.*), any add on allowances (outliers, indigent care factors, *etc.*);
- y. Any other factors applied to the final price such as Overrides, Caps, Benchmark Pricing, Target Pricing, or amount changed on appeal, *etc.*;
- z. All relevant underlying data sets related to the HCPCS that were applied to the claims at issue along with an indication of the dates those data sets were in use;
- aa. For claims priced by Viant, the level of data (National, State or Local) that was used for the claim HCPCS/CPT code;
- bb. For claims priced by Viant, the number of units or occurrences in the benchmark that were used; *i.e.* the number of occurrences for the HCPCS / CPT code in the underlying data and at what level (national, state, local);

cc. The corresponding Fair Health U&C amount for the same claim and same time period at the 70th and 80th percentile for each claim at issue;

dd. Any service codes for any pricing, *e.g.* bundling, packaging, not paid, primary procedure, secondary procedure, or similar;

ee. Any codes used in the pricing of the claims' lines or at the claim level.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product—no other MultiPlan product, service, or pricing methodology is at issue in this case, including MultiPlan's Data iSight product. MultiPlan further objects to this Request as overly broad and unduly burdensome. For example, this Request is overly broad and unduly burdensome to the extent it purports to require MultiPlan to create a "spreadsheet" specifically for this litigation containing "all" claims within a broadly defined category that includes multiple codes, including HCPCS Code H2036, that have no apparent connection to the IOP services at issue in the case. Furthermore, as framed, this Request is overly broad because it is not limited to claims "paid or adjudicated" using the Viant OPR data that Plaintiffs challenge in the Complaint. MultiPlan also objects to this Request as overly broad and unduly burdensome to the extent it purports to require MultiPlan to create a "spreadsheet" specifically for this litigation, which is beyond what is required by the Federal Rules. MultiPlan objects to this Request as vague and ambiguous, in that several of the terms used, including but not limited to "modifiers," "edits," "unit reductions," "assumed information," "missing value adds," "recommended," "benchmark pricing," "overrides," "percentile used," "hierarchy applied," "target price," "markups and markdowns," and "savings amount," are not defined or tied to the topics or services at issue in the case.

1 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 3 Plaintiffs regarding the parameters of a claim data summary regarding the putative class members'
 4 claims involving IOP services priced using Viant's OPR data that can be reasonably be produced by
 5 MultiPlan to satisfy this Request. MultiPlan reserves the right to timely supplement and/or amend its
 6 response to this Request.

7 **REQUEST FOR PRODUCTION NO. 2:**

8 Any and all documents, communications, records or data related to the named Plaintiffs in this
 9 action or their healthcare claims.
 10

11 **RESPONSE:**

12 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 13 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 14 the ground that it seeks information not relevant to the claims or defenses of any party and not
 15 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
 16 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 17 case. MultiPlan further objects to this Request on the grounds that it is overbroad and unduly
 18 burdensome including to the extent that it seeks "[a]ny and all documents, communications, records
 19 or data" to the extent the Request is not limited to documents related to Viant's OPR pricing for
 20 intensive outpatient programs. MultiPlan further objects to the extent this Request is duplicative of
 21 other Requests. MultiPlan also objects to this Request to the extent it seeks information which is
 22 subject to a claim of privilege or which is otherwise protected from disclosure by, including without
 23 limitation, the attorney-client privilege or the attorney work product doctrine.

24 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 25 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 26 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
 27 search protocol to identify non-privileged documents in its possession, custody, and control that are
 28

responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 3:

Any and all quarterly update/quarter in review PowerPoint presentations prepared by MultiPlan for United covering the period of January 1, 2015, to present and any related communications and correspondence.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as vague and ambiguous, in that the “quarterly update/quarter in review” documents are not defined or tied to the topics or services at issue in the case. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome. By way of example only, this Request seeks presentations that are that are not related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan also objects to this Request on the grounds that it is overbroad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence and not proportional to the needs of the case to the extent it seeks “any” communications and correspondence relating to such “presentations,” such that is impossible for MultiPlan to know or represent that all such documents have been or would be produced

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 4:

A full and complete copy of the Network Access Agreement between UnitedHealthcare Insurance Company and MultiPlan Inc, including the original agreement dated January 1, 2010 and all subsequent amendments thereto.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the grounds that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek amendments having nothing to do with the Viant OPR data that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome, in that it seeks information about agreements that are not relevant to Plaintiffs' claims and allegations in this case, which challenge Viant's OPR pricing for intensive outpatient programs. MultiPlan also objects to the extent this Request seeks documents outside the time period properly subject to discovery for Plaintiffs' claims and allegations in this case.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, MultiPlan states that it will search for and produce non-privileged, responsive contracts and amendments regarding Viant's OPR data relevant to the claims at issue that were in effect during the putative class period pursuant to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 5:

For the period January 1, 2015, to present, produce a report of all fees and/or revenue derived from United's use of MultiPlan's Viant solution (OPR/IPR).

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as being vague and ambiguous, particularly with respect to the phrase "fees and/or revenue derived,"

1 which is undefined and subject to differing interpretations such that MultiPlan is unable to determine
 2 what documents are potentially responsive to this Request. This vagueness, in turn, makes the Request
 3 unduly burdensome for MultiPlan to search for or locate responsive documents or to even understand
 4 the nature of the documents that Plaintiffs are requesting. MultiPlan further objects to this Request to
 5 the extent it seeks information outside of MultiPlan's possession, custody, and control, including but
 6 not limited to any documents that may be in the possession of United but not MultiPlan. MultiPlan
 7 further objects to this Request on the grounds that it is overbroad, unduly burdensome, and seeks
 8 information that is not proportional to the needs of the case to the extent it seeks a report showing "all"
 9 alleged "fees and/or revenue." MultiPlan objects to this Request on the ground that it seeks
 10 information not relevant to the claims or defenses of any party and not reasonably calculated to lead
 11 to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR
 12 data used to price IOP services that Plaintiffs challenge in this case. MultiPlan also objects to this
 13 Request as overly broad and unduly burdensome to the extent it purports to require MultiPlan to
 14 produce a "report" specifically for this litigation, which is beyond what is required by the Federal
 15 Rules.

16 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 17 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 18 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 19 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
 20 response to this Request.

21 **REQUEST FOR PRODUCTION NO. 6:**

22 For the period January 1, 2015, to present, produce a report showing all actual fees paid and
 23 revenue to Multiplan specifically related to United's use of the Viant OPR solution.

24 **RESPONSE:**

25 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 26 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as
 27 being vague and ambiguous, particularly with respect to the phrase "actual fees paid and revenue,"
 28

1 which is undefined and subject to differing interpretations such that MultiPlan is unable to determine
 2 what documents are potentially responsive to this Request. This vagueness, in turn, makes the Request
 3 unduly burdensome for MultiPlan to search for or locate responsive documents or to even understand
 4 the nature of the documents that Plaintiffs are requesting. MultiPlan further objects to this Request to
 5 the extent it seeks information outside of MultiPlan's possession, custody, and control, including but
 6 not limited to any documents that may be in the possession of United but not MultiPlan. MultiPlan
 7 further objects to this Request on the grounds that it is overbroad, unduly burdensome, and seeks
 8 information that is not proportional to the needs of the case to the extent it seeks a report showing "all"
 9 alleged "fees paid and revenue." MultiPlan also objects to this Request as overly broad and unduly
 10 burdensome to the extent it purports to require MultiPlan to produce a "report" specifically for this
 11 litigation, which is beyond what is required by the Federal Rules.

12 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 13 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 14 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 15 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
 16 response to this Request.

17 **REQUEST FOR PRODUCTION NO. 7:**

18 For the period January 1, 2015, to present, produce a report showing all actual fees paid and
 19 revenue to Multiplan under the Network Access Agreement.

20 **RESPONSE:**

21 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 22 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 23 the ground that it seeks information not relevant to the claims or defenses of any party and not
 24 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
 25 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 26 case. MultiPlan further objects to this Request as overly broad and unduly burdensome as this Request
 27 seeks information about fees that are not limited to claims and allegations related to Viant's OPR
 28

pricing for intensive outpatient programs. MultiPlan also objects to this Request as being vague and ambiguous, particularly with respect to the phrase “actual fees paid and revenue,” which is undefined and subject to differing interpretations such that MultiPlan is unable to determine what documents are potentially responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome for MultiPlan to search for or locate responsive documents or to even understand the nature of the documents that Plaintiffs are requesting. MultiPlan further objects to this Request to the extent it seeks information outside of MultiPlan’s possession, custody, and control, including but not limited to any documents that may be in the possession of United but not MultiPlan. MultiPlan also objects to this Request as overly broad and unduly burdensome to the extent it purports to require MultiPlan to produce a “report” specifically for this litigation, which is beyond what is required by the Federal Rules.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 8:

Any and all “white papers” or modules pertaining to Facility R&C and/or Viant OPR from January 1, 2015 to present and all related communications and correspondence, both internal and external.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as vague and ambiguous. By way of example only, the terms “white papers” and “modules” are undefined and, as written, could encompass reports or summaries regarding any and all issues in MultiPlan’s possession. MultiPlan further objects to this Request on the grounds that it is overbroad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of

1 admissible evidence and not proportional to the needs of the case to the extent it seeks “Any and all
2 whitepapers pertaining” to Viant OPR, without any further limitation, such that is impossible for
3 MultiPlan to know or represent that all such documents have been or would be produced. MultiPlan
4 also objects to this Request to the extent it seeks information which is subject to a claim of privilege
5 or which is otherwise protected from disclosure by, including without limitation, the attorney-client
6 privilege or the attorney work product doctrine.

7 Subject to and without waiving the Preliminary Statement and Objections, Objections to
8 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
9 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
10 search protocol to identify non-privileged documents in its possession, custody, and control that are
11 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
12 response to this Request.

13 **REQUEST FOR PRODUCTION NO. 9:**

14 Any and all reports prepared by or relating to Dr. Bernard Siskin from January 1, 2015 to
15 present.

16 **RESPONSE:**

17 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
18 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
19 the ground that it seeks information not relevant to the claims or defenses of any party and not
20 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
21 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
22 case. MultiPlan further objects to this Request as overly broad and unduly burdensome, to the extent
23 it purports to request reports that are not relevant to Plaintiffs’ claims and allegations in this case,
24 which challenge Viant’s OPR pricing for intensive outpatient programs. To the extent applicable,
25 MultiPlan also objects to this Request on the grounds that it is premature. In the event MultiPlan
26 chooses to retain an expert witness in this case, it will disclose any expert reports in accordance with
27 the Federal Rules of Civil Procedure, Local Rules, and any applicable case management order.

1 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 4 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
 5 response to this Request.

6 **REQUEST FOR PRODUCTION NO. 10:**

7 Any and all communications either internally at Multiplan, or externally with United, relating
 8 to Dr. Bernard Siskin from January 1, 2015 to present.

9 **RESPONSE:**

10 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 11 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to
 12 the extent that it is duplicative of Request No. 9. MultiPlan also objects to this Request on the ground
 13 that it seeks information not relevant to the claims or defenses of any party and not reasonably
 14 calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond
 15 the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further
 16 objects to this Request as overly broad and unduly burdensome, to the extent it purports to request
 17 reports that are not relevant to Plaintiffs' claims and allegations in this case, which challenge Viant's
 18 OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the
 19 grounds that it seeks information which is subject to a claim of privilege or which is otherwise
 20 protected from disclosure by, including without limitation, the attorney-client privilege or the attorney
 21 work product doctrine. To the extent applicable, MultiPlan also objects to this Request on the grounds
 22 that it is premature. In the event MultiPlan chooses to retain an expert witness in this case, it will
 23 disclose any expert reports in accordance with the Federal Rules of Civil Procedure, Local Rules, and
 24 any applicable case management order.

25 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 26 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 27 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 28

1 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 11:**

4 Any and all correspondence or communications with Dr. Bernard Siskin from January 1, 2015
5 to present.

6 **RESPONSE:**

7 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
8 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to
9 the extent that it is duplicative of Requests No. 9 and 10. MultiPlan also objects to this Request on
10 the ground that it seeks information not relevant to the claims or defenses of any party and not
11 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
12 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
13 case. MultiPlan further objects to this Request as overly broad and unduly burdensome, to the extent
14 it purports to request reports that are not relevant to Plaintiffs' claims and allegations in this case,
15 which challenge Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to
16 this Request on the grounds that it seeks information which is subject to a claim of privilege or which
17 is otherwise protected from disclosure by, including without limitation, the attorney-client privilege
18 or the attorney work product doctrine. To the extent applicable, MultiPlan also objects to this Request
19 on the grounds that it is premature. In the event MultiPlan chooses to retain an expert witness in this
20 case, it will disclose any expert reports in accordance with the Federal Rules of Civil Procedure, Local
21 Rules, and any applicable case management order.

22 Subject to and without waiving the Preliminary Statement and Objections, Objections to
23 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
24 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
25 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
26 response to this Request.

REQUEST FOR PRODUCTION NO. 12:

For the period January 1, 2015, all internal communications and correspondence referencing “H0015”.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as vague and ambiguous, particularly with respect to the term “H0015.” MultiPlan further objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “all” such “communications and correspondence” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan also objects to this Request to the extent it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 13:

For the period January 1, 2015, all external communications and correspondence referencing “H0015.”

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as

vague and ambiguous, particularly with respect to the term “H0015.” MultiPlan further objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan objects to this Request to the extent it seeks information outside of MultiPlan’s possession, custody, and control, including but not limited to any documents that may be in the possession of other parties and/or non-parties. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “all” such “communications and correspondence” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 14:

For the period January 1, 2015, all external communications and correspondence referencing “SAF” or the Standard Analytical File.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as vague and ambiguous, particularly with respect to the phrase “Standard Analytical File.” MultiPlan further objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan objects to this Request to the extent it seeks information outside of MultiPlan’s possession, custody, and control, including but not limited to any documents

1 that may be in the possession of other parties and/or non-parties. MultiPlan further objects to this
2 Request as overly broad and unduly burdensome on the ground that it seeks “all” such
3 “communications and correspondence” and to the extent the Request is not limited to documents
4 related to Viant’s OPR pricing for intensive outpatient programs.

5 Subject to and without waiving the Preliminary Statement and Objections, Objections to
6 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
7 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
8 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
9 response to this Request.

10 **REQUEST FOR PRODUCTION NO. 15:**

11 For the period January 1, 2015, all internal communications and correspondence referencing
12 “SAF” or the Standard Analytical File, including communications regarding the purchase of the file
13 and any analysis undertaken of the file.

14 **RESPONSE:**

15 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
16 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as
17 vague and ambiguous, particularly with respect to the phrases “Standard Analytical File,” “purchase
18 of the file” and “analysis undertaken.” Likewise, MultiPlan objects to the extent this Request is
19 argumentative and assumes facts. MultiPlan further objects to this Request on the ground that it seeks
20 information not relevant to the claims or defenses of any party and not reasonably calculated to lead
21 to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR
22 data used to price IOP services that Plaintiffs challenge in this case. MultiPlan objects to this Request
23 to the extent it seeks information outside of MultiPlan’s possession, custody, and control, including
24 but not limited to any documents that may be in the possession of other parties and/or non-parties.
25 MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that
26 it seeks “all” such “communications and correspondence” and to the extent the Request is not limited
27 to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan also objects
28

1 to this Request to the extent it seeks information which is subject to a claim of privilege or which is
2 otherwise protected from disclosure by, including without limitation, the attorney-client privilege or
3 the attorney work product doctrine.

4 Subject to and without waiving the Preliminary Statement and Objections, Objections to
5 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
6 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
7 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
8 response to this Request.

9 **REQUEST FOR PRODUCTION NO. 16:**

10 For the period January 1, 2015, all internal or external communications referencing
11 “crosswalk” or “crosswalking” of claims priced through Viant OPR.

12 **RESPONSE:**

13 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
14 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
15 the ground that it seeks information not relevant to the claims or defenses of any party and not
16 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
17 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
18 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
19 that it seeks “all” communications and to the extent the Request is not limited to documents related to
20 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on
21 the grounds that the terms “crosswalk” and “crosswalking” are vague and undefined. MultiPlan also
22 objects to this Request to the extent it seeks information which is subject to a claim of privilege or
23 which is otherwise protected from disclosure by, including without limitation, the attorney-client
24 privilege or the attorney work product doctrine.

25 Subject to and without waiving the Preliminary Statement and Objections, Objections to
26 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
27 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable

1 search protocol to identify non-privileged documents in its possession, custody, and control that are
2 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
3 response to this Request.

4 **REQUEST FOR PRODUCTION NO. 17:**

5 Any and all presentations prepared by MultiPlan for United relating to enhancing United's
6 competitive position in the healthcare market and any related correspondence.

7 **RESPONSE:**

8 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
9 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as
10 the phrase "competitive position in the healthcare market" is vague and ambiguous. MultiPlan also
11 objects to the extent this Request is argumentative and assumes fact, including that any such
12 presentations exist. MultiPlan also objects to this Request as not being limited to a relevant time
13 period. MultiPlan further objects to this Request on the grounds that it is overbroad, unduly
14 burdensome, and seeks information that is not reasonably calculated to lead to the discovery of
15 admissible evidence and not proportional to the needs of the case to the extent it seeks "[a]ny and all"
16 such presentations. MultiPlan further objects to this Request on the ground that it seeks information
17 not relevant to the claims or defenses of any party and not reasonably calculated to lead to the
18 discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data
19 used to price IOP services that Plaintiffs challenge in this case. MultiPlan also objects to this Request
20 to the extent it seeks information which is subject to a claim of privilege or which is otherwise
21 protected from disclosure by, including without limitation, the attorney-client privilege or the attorney
22 work product doctrine.

23 Subject to and without waiving the Preliminary Statement and Objections, Objections to
24 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
25 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
26 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
27 response to this Request.

REQUEST FOR PRODUCTION NO. 18:

For the period January 1, 2015, to the present, produce any and all quarterly update/quarter in review PowerPoint slide deck presentations prepared by MultiPlan for United or presented to United.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to the extent that it is duplicative of Request No. 3. MultiPlan further objects to this Request as vague and ambiguous, in that the “quarterly update/quarter in review” documents are not defined or tied to the topics or services at issue in the case. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome. By way of example only, this Request seeks presentations that are that are not related to Viant’s OPR pricing for intensive outpatient programs.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 19:

For the period of January 1, 2015, to present, any and all correspondence relating to the regular quarterly meetings between United and MultiPlan.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek

1 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 2 case. MultiPlan further objects to this Request as overly broad and unduly burdensome as this Request
 3 seeks information about meetings that are not related to Viant's OPR pricing for intensive outpatient
 4 programs. MultiPlan objects to this Request as vague and ambiguous, in that the "quarterly meeting"
 5 documents are not defined or tied to the topics or services at issue in the case. MultiPlan also objects
 6 to this Request on the grounds that it is overbroad, unduly burdensome, and seeks information that is
 7 not reasonably calculated to lead to the discovery of admissible evidence and not proportional to the
 8 needs of the case to the extent it seeks "any and all correspondence" relating to such "quarterly
 9 meetings," such that is impossible for MultiPlan to know or represent that all such documents have
 10 been or would be produced.

11 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 12 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 13 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
 14 search protocol to identify non-privileged documents in its possession, custody, and control that are
 15 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
 16 response to this Request.

17 **REQUEST FOR PRODUCTION NO. 20:**

18 For the period of January 1, 2015, to present, any and all WebEx or other recordings of
 19 quarterly meetings between United and MultiPlan covering the period of January 1, 2015 to present.

20 **RESPONSE:**

21 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 22 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 23 the ground that it seeks information not relevant to the claims or defenses of any party and not
 24 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
 25 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 26 case. MultiPlan further objects to this Request as overly broad and unduly burdensome as this Request
 27 seeks information about meetings that are not related to Viant's OPR pricing for intensive outpatient
 28

1 programs. MultiPlan objects to this Request as vague and ambiguous, in that the phrase “quarterly
2 meeting” is not defined or tied to the topics or services at issue in the case. MultiPlan also objects to
3 this Request on the grounds that it is argumentative and assumes facts, including that any such
4 recordings exist.

5 Subject to and without waiving the Preliminary Statement and Objections, Objections to
6 Definitions and Instructions, or the foregoing specific objections, and based on MultiPlan’s
7 understanding of what is being requested, MultiPlan states that it has no documents in its possession,
8 custody, or control that are responsive to this Request. MultiPlan reserves the right to timely
9 supplement and/or amend its response to this Request.

10 **REQUEST FOR PRODUCTION NO. 21:**

11 For the period of January 1, 2015, to present, any and all agendas prepared for any meetings,
12 including quarterly meetings, between United and MultiPlan covering the period of January 1, 2015
13 to present.

14 **RESPONSE:**

15 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
16 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
17 the ground that it seeks information not relevant to the claims or defenses of any party and not
18 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
19 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
20 case. MultiPlan further objects to this Request as overly broad and unduly burdensome. For example,
21 this Request seeks information about meetings that are not related to Viant’s pricing methods for
22 intensive outpatient programs. MultiPlan objects to this Request as vague and ambiguous in that the
23 phrases “quarterly meetings” and “agendas” are not undefined and subject to differing interpretations
24 such that MultiPlan is unable to determine what documents are potentially responsive to this Request.
25 MultiPlan also objects to this Request on the grounds that it is overbroad, unduly burdensome, and
26 seeks information that is not reasonably calculated to lead to the discovery of admissible evidence and
27 not proportional to the needs of the case to the extent it seeks “any and all” of these alleged “agendas,”
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1 such that it is impossible for MultiPlan to know or represent that all such documents have been or
2 would be produced.

3 Subject to and without waiving the Preliminary Statement and Objections, Objections to
4 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
5 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
6 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
7 response to this Request.

8 **REQUEST FOR PRODUCTION NO. 22:**

9 For the period of January 1, 2015, to present, any and all “white papers,” documents entitled
10 “Viant Facility U&C Review – Outpatient Review (OPR) Module” or summaries of methodologies
11 prepared by MultiPlan concerning or applicable to OON outpatient claim pricing that includes or
12 relates to MultiPlan’s Viant OPR medical reimbursement analysis solution or the pricing of Facility
13 R&C claims and any related correspondence.

14 **RESPONSE:**

15 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
16 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as
17 vague and ambiguous. By way of example only, the term “white papers” is undefined and, as written,
18 could encompass reports or summaries regarding completely irrelevant issues in MultiPlan’s
19 possession. MultiPlan further objects to this Request on the grounds that it is overbroad, unduly
20 burdensome, and seeks information that is not reasonably calculated to lead to the discovery of
21 admissible evidence and not proportional to the needs of the case to the extent it seeks “any and all”
22 such whitepapers, such that it is impossible for MultiPlan to know or represent that all such documents
23 have been or would be produced. MultiPlan also objects to this Request on the grounds that it is
24 argumentative and assumes facts, including that any such relevant “white papers” with such titles exist.
25 MultiPlan further objects to this Request to the extent it seeks information which is subject to a claim
26 of privilege or which is otherwise protected from disclosure by, including without limitation, the
27 attorney-client privilege or the attorney work product doctrine.

1 Subject to and without waiving the Preliminary Statement and Objections, Objections to
2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
4 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
5 response to this Request.

6 **REQUEST FOR PRODUCTION NO. 23:**

7 For the period January 1, 2015, to the present, any and all documents related to United's
8 selection of Multiple Procedure Parameters ("MPR") to be used by Multiplan in pricing Facility R&C,
9 Viant OPR and/or OON outpatient claims, and all related correspondence.

10 **RESPONSE:**

11 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
12 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
13 the ground that it seeks information not relevant to the claims or defenses of any party and not
14 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
15 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
16 case. MultiPlan further objects to this Request as overly broad and unduly burdensome, in that it seeks
17 information about programs that are not relevant to Plaintiffs' claims and allegations in this case,
18 which challenge Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to
19 this Request as vague and ambiguous. For example, the term "Multiple Procedure Parameters" is
20 vague and ambiguous because it is undefined. MultiPlan further objects to this Request to the extent
21 it seeks information outside of MultiPlan's possession, custody, and control, including but not limited
22 to any documents that may be in the possession of United but not MultiPlan.

23 Subject to and without waiving the Preliminary Statement and Objections, Objections to
24 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
25 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
26 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
27 response to this Request.

REQUEST FOR PRODUCTION NO. 24:

For the period January 1, 2015, to the present, any and all Viant Specialty Reports.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as vague and ambiguous as the term “Viant Specialty Reports” is undefined and, as written, could potentially encompass reports or summaries regarding many irrelevant issues in MultiPlan’s possession. MultiPlan further objects to this Request on the grounds that it is overbroad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence and not proportional to the needs of the case to the extent it seeks “[a]ny and all” such “Specialty Reports,” without any limitation relating to the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan also objects to the extent this Request is argumentative and assumes facts, including that any such documents called “Viant Specialty Reports” exist.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 25:

For the period of January 1, 2015, to present, any and all documents, both internal and external, relating to Viant OPR/Facility R&C Default Rates applied to OON mental health / behavioral health claims when the Viant OPR/Facility R&C methodology does not have a rate available.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on

the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome, in that it seeks information about programs that are not relevant to Plaintiffs' claims and allegations in this case, which challenge Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to the phrase "Viant OPR/Facility R&C Default Rates" and "Viant OPR/Facility R&C methodology" as vague and ambiguous because those phrases are undefined.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 26:

For the period of January 1, 2015, to present, all correspondence to or from Emma Johnson, Rebecca Paradise, or Sarah Peterson referencing reports by Dr. Siskin.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to the extent that it is duplicative of other Requests. MultiPlan also objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome, to the extent it purports to request reports that are not relevant to Plaintiffs' claims and allegations in this case, which challenge Viant's OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case.

MultiPlan further objects to this Request on the grounds that it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine. To the extent applicable, MultiPlan also objects to this Request on the grounds that it is premature. In the event MultiPlan chooses to retain an expert witness in this case, it will disclose any expert reports in accordance with the Federal Rules of Civil Procedure, Local Rules, and any applicable case management order.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 27:

For the period January 1, 2015, to present, produce all documents and correspondence related to MultiPlan vendor fees paid by United to MultiPlan.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to the extent it is duplicative of other Requests. MultiPlan further objects to this Request as being vague and ambiguous, particularly with respect to the phrase “vendor fees,” which is undefined and subject to differing interpretations such that MultiPlan is unable to determine what documents are potentially responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome for MultiPlan to search for or locate responsive documents or to even understand the nature of the documents that Plaintiffs are requesting. MultiPlan further objects to this Request to the extent it seeks information outside of MultiPlan’s possession, custody, and control, including but not limited to any documents that may be in the possession of United but not MultiPlan. MultiPlan further objects to this Request on the grounds that it is overbroad, unduly burdensome, and seeks information that is not proportional to the needs of the case to the extent it seeks documents and correspondence “related” to

1 “all” alleged “vendor fees.” MultiPlan objects to this Request on the ground that it seeks information
2 not relevant to the claims or defenses of any party and not reasonably calculated to lead to the
3 discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data
4 used to price IOP services that Plaintiffs challenge in this case.

5 Subject to and without waiving the Preliminary Statement and Objections, Objections to
6 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
7 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
8 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
9 response to this Request.

10 **REQUEST FOR PRODUCTION NO. 28:**

11 For the period January 1, 2015, to present, produce all internal presentations including
12 PowerPoint slide decks and spreadsheets related to Viant OPR/Facility R&C fees paid by United.

13 **RESPONSE:**

14 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
15 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to
16 the extent it is duplicative of other Requests. MultiPlan further objects to this Request as vague and
17 ambiguous, in that the phrases “internal presentations” and “fees” are undefined and subject to
18 differing interpretations such that MultiPlan is unable to determine what documents are potentially
19 responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome for
20 MultiPlan to search for or locate responsive documents or to even understand the nature of the
21 documents that Plaintiffs are requesting. MultiPlan objects to this Request on the ground that it seeks
22 information not relevant to the claims or defenses of any party and not reasonably calculated to lead
23 to the discovery of admissible evidence, in that it appears to seek information relating to “fees” beyond
24 the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. Accordingly,
25 MultiPlan further objects to this Request as overly broad and unduly burdensome.

26 Subject to and without waiving the Preliminary Statement and Objections, Objections to
27 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
28

1 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
2 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
3 response to this Request.

4 **REQUEST FOR PRODUCTION NO. 29:**

5 For the period January 1, 2015, to the present, any and all presentations prepared by MultiPlan
6 relating to enhancing United's competitive position in the healthcare market, or "landscape", and any
7 related correspondence.

8 **RESPONSE:**

9 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as
11 being duplicative of Request No. 17. MultiPlan also objects to the phrases "competitive position in
12 the healthcare market" or "landscape" as being vague and ambiguous. MultiPlan also objects to the
13 extent this Request is argumentative and assumes facts, including that any such presentations exist.
14 MultiPlan further objects to this Request on the grounds that it is overbroad, unduly burdensome, and
15 seeks information that is not reasonably calculated to lead to the discovery of admissible evidence and
16 not proportional to the needs of the case to the extent it seeks "[a]ny and all" such presentations or
17 related correspondence. MultiPlan further objects to this Request on the ground that it seeks
18 information not relevant to the claims or defenses of any party and not reasonably calculated to lead
19 to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR
20 data used to price IOP services that Plaintiffs challenge in this case.

21 Subject to and without waiving the Preliminary Statement and Objections, Objections to
22 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
23 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
24 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
25 response to this Request.

REQUEST FOR PRODUCTION NO. 30:

For the period January 1, 2015, to present, any and all correspondence, presentation, PowerPoint slide decks or reports, either internal or external, relating to changes in OPR percentiles and/or the pricing of OON outpatient claims. This request includes email correspondence to, from or including any of the following: Rebecca Paradise, John Haben, Sarah Peterson, Ray Lopez, Jacqueline Kienzle, Emma Johnson, Mark Edwards, Dale White, and Tina Smith.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all correspondence, presentation[s], PowerPoint slide decks or reports” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. For example, this Request is overly broad and unduly burdensome because the Request, which asks for documents involving, among other things, “the pricing of OON outpatient claims,” is not limited to materials related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan also objects to the extent this Request is argumentative and assumes facts, including that any of the individuals named in the Request, some of whom are no longer MultiPlan employees, have either relevant or responsive “e-mail correspondence.” Likewise, MultiPlan objects to Plaintiffs’ apparent attempt to unilaterally select who MultiPlan’s ESI custodians, if any, might potentially be in this case.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,

1 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 31:**

4 For the period January 1, 2015, to present, any and all internal PowerPoint slide deck
5 presentations, models, spreadsheets, or projections relating to changes in Facility R&C pricing and/or
6 Viant OPR percentiles applied to OON outpatient claims.

7 **RESPONSE:**

8 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
9 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
10 the ground that it seeks information not relevant to the claims or defenses of any party and not
11 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
12 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
13 case. For example, the Request seeks information about “presentations, models, spreadsheets or
14 projections” that are not limited to claims and allegations related to Viant’s pricing methods for
15 intensive outpatient programs. MultiPlan further objects to this Request as overly broad and unduly
16 burdensome on the ground that it seeks “any and all” such documents and to the extent it seeks
17 information not related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan also
18 objects to the extent this Request is argumentative and assumes facts, including that such presentations
19 exist.

20 Subject to and without waiving the Preliminary Statement and Objections, Objections to
21 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
22 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
23 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
24 response to this Request.

REQUEST FOR PRODUCTION NO. 32:

For the period January 1, 2015, to present, any and all internal presentations, PowerPoint slide decks, spreadsheets, models, or projections relating fees resulting from changes in Facility R&C pricing and/or Viant OPR percentiles applied to United's OON outpatient claims.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as vague and ambiguous, in that the phrases "internal presentations" and "fees" are undefined and subject to differing interpretations such that MultiPlan is unable to determine what documents are potentially responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome for MultiPlan to search for or locate responsive documents or to even understand the nature of the documents that Plaintiffs are requesting. MultiPlan also objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. For example, the Request seeks information about "presentations, models, spreadsheets or projections" that are not limited to claims and allegations related to Viant's pricing methods for intensive outpatient programs. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all" such documents "relating [to] fees" and to the extent it seeks information not related to Viant's OPR pricing for intensive outpatient programs. MultiPlan also objects to the extent this Request is argumentative and assumes facts, including that such documents exist.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 33:

For the period of January 1, 2015, to present, any and all internal presentations or projections relating to changes in Facility R&C and/or OPR percentiles prepared by any individuals employed in MultiPlan's Healthcare Economics department.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as vague and ambiguous, in that the phrases "internal presentations" and "projections" are undefined and subject to differing interpretations such that MultiPlan is unable to determine what documents are potentially responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome for MultiPlan to search for or locate responsive documents or to even understand the nature of the documents that Plaintiffs are requesting. MultiPlan further objects to this Request on the grounds that the term "Healthcare Economics department" is vague and undefined. MultiPlan also objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. For example, the Request seeks information about "presentations or projections" that are not limited to claims and allegations related to Viant's pricing methods for intensive outpatient programs. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all" such documents and to the extent it seeks information not related to Viant's OPR pricing for intensive outpatient programs. MultiPlan also objects to the extent this Request is argumentative and assumes facts, including that such documents exist.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 34:

For the period of January 1, 2015, to present, any and all internal presentations or projections relating to changes in Facility R&C and/or OPR percentiles prepared by any individuals employed in MultiPlan's Marketing department.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as vague and ambiguous, in that the phrases "internal presentations" and "projections" are undefined and subject to differing interpretations such that MultiPlan is unable to determine what documents are potentially responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome for MultiPlan to search for or locate responsive documents or to even understand the nature of the documents that Plaintiffs are requesting. MultiPlan further objects to this Request on the grounds that the term "MultiPlan's Marketing department" is vague and undefined. MultiPlan also objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. For example, the Request seeks information about "presentations or projections" that are not limited to claims and allegations related to Viant's pricing methods for intensive outpatient programs. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all" such documents and to the extent it seeks information not related to Viant's OPR pricing for intensive outpatient programs. MultiPlan also objects to the extent this Request is argumentative and assumes facts, including that such documents exist.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 35:

For the period January 1, 2015, to present, any and all communications and documents relating to changing Facility R&C/Viant OPR percentiles, including for the Facility R&C/Viant OPR percentile reduction changes occurring in 2018 and 2020, and the Facility R&C Compare implementation occurring in 2018.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as vague and ambiguous, in that the phrases “changing Facility R&C/Viant OPR percentiles” and “Facility R&C Compare” is undefined and subject to differing interpretations such that MultiPlan is unable to determine what documents are potentially responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome for MultiPlan to search for or locate responsive documents or to even understand the nature of the documents that Plaintiffs are requesting. MultiPlan also objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. For example, the Request seeks information that is not limited to claims and allegations related to Viant’s pricing methods for intensive outpatient programs. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all” such “communications and documents” and to the extent it seeks information not related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan also objects to the extent this Request is argumentative and assumes facts.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are

responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 36:

For the period January 1, 2015, to present, all Change Request Forms, and related correspondence with attachments, prepared by United and transmitted to Multiplan regarding reductions in OPR percentiles and Facility Benchmark Pricing.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “all Change Request Forms, and related correspondence” to the extent it seeks information not related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the grounds that the terms “Change Request Form” and “OPR percentiles and Facility Benchmark Pricing” are vague and undefined.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 37:

For the period January 1, 2015, to present, any and all correspondence, both internal and external, and documents related to the appeal of Facility R&C/Viant OPR claims, *i.e.*, rules regarding appeals and appeal negotiation parameters set by United, for Facility R&C/Viant OPR claims.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all correspondence . . . and documents” and to the extent it seeks information not related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the grounds that the terms “appeal” and “appeal negotiation parameters” are vague and undefined. MultiPlan further objects to this Request to the extent it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 38:

For the period January 1, 2015, to present, all scripts used by MultiPlan claims reviewers, negotiators and call center representatives to address inquiries related to Viant OPR priced claims.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek

1 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 2 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
 3 that it seeks “all scripts” and to the extent the Request is not limited to documents related to Viant’s
 4 OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the
 5 grounds that the terms “scripts,” “claims reviewers,” “negotiators,” and “call center representatives”
 6 are vague and undefined.

7 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 8 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 9 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 10 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
 11 response to this Request.

12 **REQUEST FOR PRODUCTION NO. 39:**

13
 14 For the period January 1, 2015, to present, all training manuals, procedures, employee
 15 handbooks and any others similar materials utilized by MultiPlan claims reviewers, negotiators and
 16 call center representatives to address inquiries related to Viant OPR priced claims.

17 **RESPONSE:**

18 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 19 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 20 the ground that it seeks information not relevant to the claims or defenses of any party and not
 21 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
 22 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 23 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
 24 that it seeks “all training manuals, procedures, employee handbooks and any others similar materials”
 25 and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive
 26 outpatient programs. MultiPlan further objects to this Request on the grounds that the terms “training
 27 manuals,” “procedures,” “employee handbooks,” “claims reviewers,” “negotiators,” and “call center
 28

representatives” are vague and undefined. MultiPlan also objects to the extent this Request is argumentative and assumes facts, including that any such materials exist.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 40:

For the period January 1, 2015, all communications to or from Lisa Miller and Multiplan and/or Viant employees regarding policies, procedures or parameters for addressing inquiries related to claims priced by Viant OPR.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “all” such communications to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs’ apparent attempt to unilaterally select who MultiPlan’s ESI custodians, if any, might potentially be in this case. MultiPlan further objects to this Request on the grounds that the terms “policies,” “procedures,” “parameters,” and “inquiries” are vague and undefined. MultiPlan also objects to the extent this Request is argumentative and assumes facts, including that any such materials exist. MultiPlan further objects to this Request to the extent it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 41:

For the period January 1, 2015, all communications to or from Susan Dominy and Multiplan and/or Viant employees regarding policies, procedures or parameters for addressing inquiries related claims priced by Viant OPR.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “all” such communications to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs’ apparent attempt to unilaterally select who MultiPlan’s ESI custodians, if any, might potentially be in this case. MultiPlan further objects to this Request on the grounds that the terms “policies,” “procedures,” “parameters,” and “inquiries” are vague and undefined. MultiPlan also objects to the extent this Request is argumentative and assumes facts, including that any such materials exist. MultiPlan further objects to this Request to the extent it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with

1 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
2 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
3 response to this Request.

4 **REQUEST FOR PRODUCTION NO. 42:**

5 For the period January 1, 2015, all communications to or from Michael Bandomer and
6 Multiplan/or Viant employees regarding policies, procedures or parameters for addressing inquiries
7 related to claims priced by Viant OPR.

8 **RESPONSE:**

9 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
11 the ground that it seeks information not relevant to the claims or defenses of any party and not
12 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
13 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
14 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
15 that it seeks “all” such communications to the extent the Request is not limited to documents related
16 to Viant’s OPR pricing for intensive outpatient programs. Mr. Bandomer deals exclusively with Data
17 iSight, so he is not likely to have information relevant to this case, because based on a plain reading
18 of Plaintiffs’ Complaint, MultiPlan’s Data iSight product is not at issue in this case. Likewise,
19 MultiPlan objects to Plaintiffs’ apparent attempt to unilaterally select who MultiPlan’s ESI custodians,
20 if any, might potentially be in this case. MultiPlan further objects to this Request on the grounds that
21 the terms “policies,” “procedures,” “parameters,” and “inquiries” are vague and undefined. MultiPlan
22 also objects to the extent this Request is argumentative and assumes facts, including that any such
23 materials exist. MultiPlan further objects to this Request to the extent it seeks information which is
24 subject to a claim of privilege or which is otherwise protected from disclosure by, including without
25 limitation, the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 43:

For the period January 1, 2015, to present, produce a report showing all disputed claims that had been initially priced by Viant OPR but were later adjusted and/or negotiated by MultiPlan.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome to the extent the Request is not limited to Viant's OPR pricing for intensive outpatient programs and to the extent it purports to require to MultiPlan to produce a "report" specifically for this litigation beyond what is required by the Federal Rules. MultiPlan further objects to this Request on the grounds that the terms "disputed claims" and "adjusted and/or negotiated" are vague and undefined.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 44:

For the period January 1, 2015, to present, any and all documents related to dispute procedures in response to provider balance billing for Facility R&C claims.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan further objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek

1 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 2 case. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to
 3 the phrase “dispute procedures.” MultiPlan further objects to this Request as overly broad and unduly
 4 burdensome on the ground that it seeks “any and all documents” and to the extent the Request is not
 5 limited to documents related to Viant’s OPR pricing for intensive outpatient programs.

6 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 7 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 8 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 9 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
 10 response to this Request.

11 **REQUEST FOR PRODUCTION NO. 45:**

12 For the period of January 1, 2015, to present, any and all documents related to Patient
 13 Advocacy policies and procedures for Viant OPR / Facility R&C claims.

14 **RESPONSE:**

15 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 16 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 17 the ground that it seeks information not relevant to the claims or defenses of any party and not
 18 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
 19 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 20 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
 21 that it seeks “any and all documents” and to the extent the Request is not limited to documents related
 22 to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request
 23 on the grounds that the phrase “Patient Advocacy policies and procedures” is vague and undefined.

24 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 25 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 26 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 27

1 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 46:**

4 For the period of January 1, 2015, to present, any and all documents, correspondence,
5 PowerPoint slide decks and spreadsheets, both internal and external, relating to Viant OPR/Facility
6 R&C Default Rates applied to OON mental health/behavioral health claims when the Viant
7 OPR/Facility R&C methodology does not have a rate available.

8 **RESPONSE:**

9
10 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
11 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
12 the grounds that it is clearly duplicative of Request No. 25. In fact, it is substantively identical.
13 Accordingly, *see* Multiplan's Responses and Objections to Request No. 25, which are expressly
14 referred to and incorporated herein. MultiPlan reserves the right to timely supplement and/or amend
15 its response to this Request.

16 **REQUEST FOR PRODUCTION NO. 47:**

17 For the period of January 1, 2015, to present, any and all documents relating to any pricing
18 methodology applied to OON UB claims that either contained HCPS/CPT code H0015 or had
19 HCPS/CPT code H0015 appended after the claims were submitted.

20 **RESPONSE:**

21 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
22 Definitions and Instructions in their entirety into this response. MultiPlan further objects to this
23 Request on the ground that it seeks information not relevant to the claims or defenses of any party and
24 not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
25 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
26 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
27 that it seeks "any and all documents" and to the extent the Request is not limited to documents related
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1 to Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as
 2 vague and ambiguous, particularly with respect to the phrase "pricing methodology."

3 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 4 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 5 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
 6 search protocol to identify non-privileged documents in its possession, custody, and control that are
 7 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
 8 response to this Request.

9 **REQUEST FOR PRODUCTION NO. 48:**

10 For the period of January 1, 2015, to present, any and all documents relating to the
 11 methodology or solution applied to BMP-eligible claims sent to Viant Facility U&C where the Viant
 12 Facility U&C allowed amount exceeded the Benchmark Pricing Target amount returned from
 13 MultiPlan's DUKE system with O43 or O44 return codes.

14 **RESPONSE:**

15 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 16 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 17 the ground that it seeks information not relevant to the claims or defenses of any party and not
 18 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
 19 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 20 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
 21 that it seeks "any and all" such documents and to the extent the Request is not limited to documents
 22 related to Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to this
 23 Request as vague and ambiguous, on the ground that the terms "methodology or solution," "BMP-
 24 eligible claims," "MultiPlan's DUKE system," "Viant Facility U&C," and "O43 or O43 return codes"
 25 are undefined.

26 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 27 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 28

1 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
2 search protocol to identify non-privileged documents in its possession, custody, and control that are
3 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
4 response to this Request.

5 **REQUEST FOR PRODUCTION NO. 49:**

6 For the period of January 1, 2015, to present, any and all presentations, PowerPoint slide decks,
7 and spreadsheets, prepared for regular Governance Meetings between United and Multiplan.

8 **RESPONSE:**

9 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
11 the ground that it seeks information not relevant to the claims or defenses of any party and not
12 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
13 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
14 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
15 that it seeks “any and all presentations, PowerPoint slide decks, and spreadsheets” and to the extent it
16 seeks information not related Viant’s OPR pricing for intensive outpatient programs. MultiPlan further
17 objects to this Request on the grounds that the term “Governance Meetings” is vague and undefined.
18 MultiPlan further objects to this Request to the extent it seeks information outside of MultiPlan’s
19 possession, custody, and control, including but not limited to any documents that may be in the
20 possession of United but not MultiPlan.

21 Subject to and without waiving the Preliminary Statement and Objections, Objections to
22 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
23 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
24 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
25 response to this Request.

REQUEST FOR PRODUCTION NO. 50:

For the period of January 1, 2015, to present, any and all agendas for United and MultiPlan's Governance and Operations Meetings with United.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all agendas" and to the extent it seeks information not related Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the grounds that the terms "agendas" and "Governance and Operations Meetings" are vague and undefined. MultiPlan further objects to this Request to the extent it seeks information outside of MultiPlan's possession, custody, and control, including but not limited to any documents that may be in the possession of United but not MultiPlan.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 51:

For the period of January 1, 2015, to present, any and all correspondence concerning United and MultiPlan's Governance and Operations Meetings with United.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on

the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all correspondence” and to the extent it seeks information not related Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the grounds that the terms “Governance Meetings” and “Operations Meetings” are vague and undefined. MultiPlan further objects to this Request to the extent it seeks information outside of MultiPlan’s possession, custody, and control, including but not limited to any documents that may be in the possession of United but not MultiPlan.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 52:

For the period of January 1, 2015, to present, any and all WebEx or other recordings of United and MultiPlan’s Governance Meetings from 2015 to present.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all WebEx or other recordings” and to the extent it seeks information not related Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on

1 the grounds that the term “Governance Meetings” is vague and undefined. MultiPlan further objects
2 to this Request to the extent it seeks information outside of MultiPlan’s possession, custody, and
3 control, including but not limited to any documents that may be in the possession of United but not
4 MultiPlan.

5 Subject to and without waiving the Preliminary Statement and Objections, Objections to
6 Definitions and Instructions, or the foregoing specific objections, and based on MultiPlan’s
7 understanding of what is being requested, MultiPlan states that it has no documents in its possession,
8 custody, or control that are responsive to this Request. MultiPlan reserves the right to timely
9 supplement and/or amend its response to this Request.

10 **REQUEST FOR PRODUCTION NO. 53:**

11
12 For the period of January 1, 2015, to present, any and all documents or correspondence
13 concerning any meetings between United and Multiplan occurring from January 1, 2015, to present.

14 **RESPONSE:**

15 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
16 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
17 the ground that it seeks information not relevant to the claims or defenses of any party and not
18 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
19 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
20 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
21 that it seeks “any and all documents or correspondence concerning any meetings” and to the extent it
22 seeks information not related to Viant’s pricing methods for intensive outpatient programs. MultiPlan
23 further objects to this request to the extent it is duplicative of several of Plaintiffs’ other Requests.
24 MultiPlan further objects to this Request on the grounds that the term “meetings” is vague and
25 undefined. MultiPlan further objects to this Request to the extent it seeks information outside of
26 MultiPlan’s possession, custody, and control, including but not limited to any documents that may be
27 in the possession of United but not MultiPlan.

1 Subject to and without waiving the Preliminary Statement and Objections, Objections to
2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
4 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
5 response to this Request.

6 **REQUEST FOR PRODUCTION NO. 54:**

7 For the period of January 1, 2015, to present, any and all documents, presentations, PowerPoint
8 slide decks, prepared by MultiPlan for United that include, relate to, or pertain to any ‘Savings
9 Analysis’ of Viant OPR from 2015 to the present.

10 **RESPONSE:**

11 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
12 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
13 the ground that it seeks information not relevant to the claims or defenses of any party and not
14 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
15 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
16 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
17 that it seeks “any and all documents, presentations, [and] PowerPoint slide decks” and to the extent
18 the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient
19 programs. MultiPlan further objects to this Request on the grounds that the term “Savings Analysis”
20 is vague and undefined. MultiPlan further objects to this Request to the extent it is duplicative of other
21 Requests.

22 Subject to and without waiving the Preliminary Statement and Objections, Objections to
23 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
24 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
25 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
26 response to this Request.

REQUEST FOR PRODUCTION NO. 55:

For the period of January 1, 2015, to present, any and all internal presentations, documents, and correspondence, that include, relate to, or pertain to Viant OPR/Facility R&C claims and/or ‘savings’ related to Viant OPR/Facility R&C claims.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all internal presentations, documents, and correspondence” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to the extent this Request is duplicative of other Requests. MultiPlan further objects to this Request on the grounds that the term “savings” is vague and undefined.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 56:

For the period of January 1, 2015, to present, any and all internal presentations, documents and correspondence, that include, relate to, or pertain to OPR claims and/or ‘savings’ related to OPR claims.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on

the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all internal presentations, documents, and correspondence” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to the extent this Request is duplicative of other Requests. MultiPlan further objects to this Request on the grounds that the term “savings” is vague and undefined.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 57:

For the period of January 1, 2015, to present, any and all correspondence and documents relating to the language used in PAD letters for claims priced using Facility R&C and/or Viant OPR claims, including external correspondence with United.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome to the extent it seeks “any and all” documents and correspondence and to the extent it seeks information not related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the grounds that the phrase “relating to the language used” is vague and ambiguous. MultiPlan also

1 objects to this Request to the extent it seeks information which is subject to a claim of privilege or
2 which is otherwise protected from disclosure by, including without limitation, the attorney-client
3 privilege or the attorney work product doctrine.

4 Subject to and without waiving the Preliminary Statement and Objections, Objections to
5 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
6 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
7 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
8 response to this Request.

9 **REQUEST FOR PRODUCTION NO. 58:**

10 For the period of January 1, 2015, to present, any and all correspondence and documents
11 relating to the language used in EOBs for claims repriced using Facility R&C and/or Viant OPR,
12 including external correspondence with United.

13 **RESPONSE:**

14 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
15 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
16 the ground that it seeks information not relevant to the claims or defenses of any party and not
17 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
18 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
19 case. MultiPlan further objects to this Request as overly broad and unduly burdensome to the extent it
20 seeks “any and all” documents and correspondence and to the extent it seeks information not related
21 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on
22 the grounds that the phrase “relating to the language used” is vague and ambiguous. MultiPlan also
23 objects to this Request to the extent it seeks information which is subject to a claim of privilege or
24 which is otherwise protected from disclosure by, including without limitation, the attorney-client
25 privilege or the attorney work product doctrine.

26 Subject to and without waiving the Preliminary Statement and Objections, Objections to
27 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
28

1 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 2 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
 3 response to this Request.

4 **REQUEST FOR PRODUCTION NO. 59:**

5 For the period of January 1, 2015, to present, any and all correspondence and documents
 6 relating to the language used in PRAs for claims repriced using Facility R&C and/or Viant OPR,
 7 including external correspondence with United.

8 **RESPONSE:**

9 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 11 the ground that it seeks information not relevant to the claims or defenses of any party and not
 12 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
 13 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 14 case. For example, MultiPlan objects that the term “PRAs” and concerns providers which are not at
 15 issue in this matter because this Action concerns claims brought by members and the related Provider
 16 action brought by Summit Estate was dismissed by the Court. MultiPlan further objects to this Request
 17 as overly broad and unduly burdensome to the extent it seeks “any and all” documents and
 18 correspondence and to the extent it seeks information not related Viant’s OPR pricing for intensive
 19 outpatient programs. MultiPlan further objects to this Request on the grounds that the phrase “relating
 20 to the language used” is vague and ambiguous. MultiPlan also objects to this Request to the extent it
 21 seeks information which is subject to a claim of privilege or which is otherwise protected from
 22 disclosure by, including without limitation, the attorney-client privilege or the attorney work product
 23 doctrine. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

24 **REQUEST FOR PRODUCTION NO. 60:**

25 For the period of January 1, 2015, to present, any and all correspondence and documents
 26 relating to Summary Plan Description (SPD), Certificate of Coverage (CoC) or other benefit plan
 27 language used to support or describe claims repriced using Facility R&C and/or Viant OPR, including
 28

external correspondence with United, including all such documents created or maintained by Susan Mohler.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all correspondence and documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the grounds that the terms “Summary Plan Description” and “Certificate of Coverage” are vague and undefined. MultiPlan further objects to this Request to the extent it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 61:

Produce all documents contained in the Sales Resource Center, accessible through Multiplan’s intranet, as maintained by Susan Mohler and others in Multiplan’s marketing department.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not

1 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
 2 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 3 case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground
 4 that it seeks “all documents” and to the extent the Request is not limited to documents related to Viant’s
 5 OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the
 6 grounds that the terms “Sales Resource Center,” “MultiPlan’s intranet,” and “MultiPlan’s marketing
 7 department” are vague and undefined. MultiPlan also objects to the extent this Request is
 8 argumentative and assumes facts. MultiPlan further objects to this Request to the extent it seeks
 9 information which is subject to a claim of privilege or which is otherwise protected from disclosure
 10 by, including without limitation, the attorney-client privilege or the attorney work product doctrine.

11 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 12 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 13 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 14 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
 15 response to this Request.

16 **REQUEST FOR PRODUCTION NO. 62:**

17 For the period of January 1, 2015, produce all Multiplan organizational charts.

18 **RESPONSE:**

19 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 20 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 21 the ground that it seeks information not relevant to the claims or defenses of any party and not
 22 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
 23 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 24 case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground
 25 that it is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs.
 26 MultiPlan further objects to this Request on the grounds that the term “organizational charts” is vague
 27

1 and undefined. MultiPlan also objects to the extent this Request is argumentative and assumes facts,
2 including that any such responsive “charts” exist.

3 Subject to and without waiving the Preliminary Statement and Objections, Objections to
4 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
5 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
6 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
7 response to this Request.

8 **REQUEST FOR PRODUCTION NO. 63:**

9 For the period of January 1, 2015, to present, any and all internal correspondence,
10 presentations, reports, and documents relating to the drafting of plan language in SPDs and CoCs to
11 describe or support the pricing of Facility R&C claims and Eligible Expenses.

12 **RESPONSE:**

13 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
14 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
15 the ground that it seeks information not relevant to the claims or defenses of any party and not
16 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
17 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
18 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
19 that it seeks “all internal correspondence, presentations, reports, and documents” and to the extent it
20 seeks information not related Viant’s OPR pricing for intensive outpatient programs. MultiPlan
21 further objects to the extent this Request is duplicative of other Requests. MultiPlan further objects to
22 this Request on the grounds that the terms “SPDs,” “CoCs,” and “Eligible Expenses” are vague and
23 undefined. MultiPlan further objects to this Request to the extent it seeks information which is subject
24 to a claim of privilege or which is otherwise protected from disclosure by, including without limitation,
25 the attorney-client privilege or the attorney work product doctrine.

26 Subject to and without waiving the Preliminary Statement and Objections, Objections to
27 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
28

1 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 2 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
 3 response to this Request.

4 **REQUEST FOR PRODUCTION NO. 64:**

5 For the period of January 1, 2015, to present, all internal analysis and reports prepared by You
 6 regarding plan language in SPDs and CoCs regarding plan language that supports Facility R&C, Viant
 7 OPR, and BMP pricing.

8 **RESPONSE:**

9 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 11 the ground that it seeks information not relevant to the claims or defenses of any party and not
 12 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
 13 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 14 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
 15 that it seeks “all internal analysis and reports” and to the extent it seeks information not related Viant’s
 16 OPR pricing for intensive outpatient programs. MultiPlan further objects to the extent this Request is
 17 duplicative of other Requests. MultiPlan further objects to this Request on the grounds that the terms
 18 “SPDs,” “CoCs,” and “BMP pricing ” are vague and undefined. MultiPlan further objects to this
 19 Request to the extent it seeks information which is subject to a claim of privilege or which is otherwise
 20 protected from disclosure by, including without limitation, the attorney-client privilege or the attorney
 21 work product doctrine.

22 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 23 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 24 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 25 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
 26 response to this Request.

REQUEST FOR PRODUCTION NO. 65:

For the period of January 1, 2015, to present, any and all correspondence, PowerPoint slide decks, spreadsheets, presentations, documents prepared by MultiPlan for or shared with United concerning, relating to, or referring to Facility R&C and/or Viant OPR.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all correspondence, PowerPoint slide decks, spreadsheets, presentations, documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to the extent this Request is duplicative of other Requests.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 66:

For the period of January 1, 2015, to present, any and all documents prepared by MultiPlan for United relating to or concerning savings related to Viant OPR/Facility R&C claims.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not

1 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
 2 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 3 case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground
 4 that it seeks “any and all documents” and to the extent the Request is not limited to documents related
 5 to Viant’s pricing methods for intensive outpatient programs. MultiPlan further objects to this Request
 6 as vague and ambiguous, particularly with respect to the phrase “savings.” MultiPlan further objects
 7 to the extent this Request is duplicative of other Requests.

8 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 9 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 10 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 11 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
 12 response to this Request.

13 **REQUEST FOR PRODUCTION NO. 67:**

14 For the period of January 1, 2015, to present, any and all documents concerning or relating to
 15 the percentile used by the Viant OPR methodology.

16 **RESPONSE:**

17 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 18 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as
 19 overly broad and unduly burdensome on the ground that it seeks “any and all documents” and to the
 20 extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient
 21 programs. MultiPlan further objects to the extent this Request is duplicative of other Requests.
 22 MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the
 23 phrase “percentile used.”

24 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 25 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 26 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 27

1 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 68:**

4 For the period of January 1, 2015, to present, any and all documents concerning or relating to
5 the comparing of MultiPlan network pricing to a percentile used by the Viant OPR methodology.

6 **RESPONSE:**

7 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
8 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
9 the ground that it seeks information not relevant to the claims or defenses of any party and not
10 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
11 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
12 case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground
13 that it seeks “any and all documents” and to the extent the Request is not limited to documents related
14 to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to the request as
15 overly broad because it seeks information regarding MultiPlan network pricing which is not at issue
16 in this matter. MultiPlan further objects to the extent this Request is duplicative of other Requests.
17 MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the
18 terms “the comparing of” and “percentile used.”

19 Subject to and without waiving the Preliminary Statement and Objections, Objections to
20 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
21 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
22 search protocol to identify non-privileged documents in its possession, custody, and control that are
23 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
24 response to this Request.

25 **REQUEST FOR PRODUCTION NO. 69:**

26 For the period of January 1, 2015, to present, any and all correspondence between MultiPlan
27 and United involving benefit plan language.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all correspondence” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the grounds that the term “benefit plan language” is vague and undefined. MultiPlan further objects to this Request to the extent it seeks information outside of MultiPlan’s possession, custody, and control, including but not limited to any documents that may be in the possession of United but not MultiPlan. MultiPlan also objects to this Request to the extent that it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 70:

For the period of January 1, 2015, to present, any and all correspondence between MultiPlan and United involving EOB language requirements.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on

the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all correspondence” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to the extent this Request is duplicative of other Requests. MultiPlan further objects to this Request to the extent it seeks information outside of MultiPlan’s possession, custody, and control, including but not limited to any documents that may be in the possession of United but not MultiPlan. MultiPlan objects to this Request to the extent that it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 71:

For the period of January 1, 2015, to present, any and all MultiPlan internal correspondence and documents relating to plan benefit language and/or language in EOBs to support claims priced using the Viant OPR methodology.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek

1 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 2 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
 3 that it seeks “any and all MultiPlan internal correspondence and documents” and to the extent the
 4 Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs.
 5 MultiPlan further objects to the extent this Request is duplicative of other Requests. MultiPlan objects
 6 to this Request to the extent that it seeks information which is subject to a claim of privilege or which
 7 is otherwise protected from disclosure by, including without limitation, the attorney-client privilege
 8 or the attorney work product doctrine.

9 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 10 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 11 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
 12 search protocol to identify non-privileged documents in its possession, custody, and control that are
 13 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
 14 response to this Request.

15 **REQUEST FOR PRODUCTION NO. 72:**

16 For the period of January 1, 2015, to present, any and all documents or correspondence relating
 17 to the Viant U&C solution.

18 **RESPONSE:**

19 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 20 Definitions and Instructions in their entirety into this response. As currently pled, Plaintiffs’
 21 Complaint challenges the legitimacy of payments received on out-of-network claims for intensive
 22 outpatient programs for which reimbursement rates were calculated using Viant’s OPR product.
 23 Accordingly, no other MultiPlan product, service, or pricing methodology is at issue in this case,
 24 including the “Viant U&C solution.” Therefore, MultiPlan objects to this Request on the grounds that
 25 it seeks information not relevant to the claims or defenses of any party and not reasonably calculated
 26 to lead to the discovery of admissible evidence, and will respond no further to this Request. MultiPlan
 27 reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 73:

For the period of January 1, 2015, to present, any and all documents relating to the Viant OPR methodology's geozip grouping.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the grounds that the term "geozip grouping" is vague and undefined.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 74:

For the period of January 1, 2015, to present, any and all documents relating to Viant's Facility Outpatient Usual and Customary (U&C) Review Service.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. As currently pled, Plaintiffs' Complaint challenges the legitimacy of payments received on out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product.

Accordingly, no other MultiPlan product, service, or pricing methodology is at issue in this case, including “Viant’s Facility Outpatient Usual and Customary (U&C) Review Service.” Therefore, MultiPlan objects to this Request on the grounds that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, and will respond no further to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 75:

For the period of January 1, 2015, to present, any and all documents relating to Viant’s Outpatient Review Service.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. As currently pled, Plaintiffs’ Complaint challenges the legitimacy of payments received on out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant’s OPR product. Accordingly, no other MultiPlan product, service, or pricing methodology is at issue in this case, including “Viant’s Outpatient Review Service.” Therefore, MultiPlan objects to this Request on the grounds that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, and will respond no further to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 76:

For the period of January 1, 2015, to present, any and all documents relating to the provider charge data used in the Viant OPR methodology.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek

information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the grounds that the term “provider charge data” is vague and undefined. MultiPlan further objects to the extent this Request is duplicative of other Requests.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 77:

For the period of January 1, 2015, to present, any and all documents relating to the Standard Analytical Outpatient File data used in Viant OPR.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to the extent it is duplicative of other Requests. MultiPlan further objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the grounds that the term “Standard Analytical Outpatient File data” is vague and undefined. MultiPlan further objects to the extent this Request is duplicative of other Requests.

1 Subject to and without waiving the Preliminary Statement and Objections, Objections to
2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
4 search protocol to identify non-privileged documents in its possession, custody, and control that are
5 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
6 response to this Request.

7 **REQUEST FOR PRODUCTION NO. 78:**

8 For the period of January 1, 2015, to present, any and all documents relating to the Status
9 Indicators assigned through the CMS crosswalk used in the Viant OPR.

10 **RESPONSE:**

11 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
12 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
13 the ground that it seeks information not relevant to the claims or defenses of any party and not
14 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
15 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
16 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground
17 that it seeks “any and all documents” and to the extent the Request is not limited to documents related
18 to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on
19 the grounds that the terms “Standard Indicators” and “CMS crosswalk” are vague and undefined.

20 Subject to and without waiving the Preliminary Statement and Objections, Objections to
21 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
22 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
23 search protocol to identify non-privileged documents in its possession, custody, and control that are
24 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
25 response to this Request.

REQUEST FOR PRODUCTION NO. 79:

For the period of January 1, 2015, to present, any and all documents relating to the comparison of a facility's billed charge and facility charges for the same service within the geographic area used by Viant to determine the Usual and Customary (U&C) value of charges.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the phrases "comparison of a facility's billed charge" and "facility charges for the same service within the geographic area used by Viant."

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 80:

For the period of January 1, 2015, to present, any and all documents related to United's selection of the percentile to be used by Viant OPR in pricing United claims.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on

the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to the extent this Request is duplicative of other Requests. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the phrase “United’s selection of the percentile to be used.”

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 81:

For the period of January 1, 2015, to present, any and all documents related to United’s selection of Claim Dollar Thresholds to be used by Viant in pricing claims.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the term “Claim Dollar Thresholds,” which is undefined.

1 Subject to and without waiving the Preliminary Statement and Objections, Objections to
2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
4 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
5 response to this Request.

6 **REQUEST FOR PRODUCTION NO. 82:**

7 For the period of January 1, 2015, to present, any and all documents related to United's
8 selection of Multiplan Patient Advocacy options to be used by Viant in relation to United claims.

9 **RESPONSE:**

10 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
11 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
12 the ground that it seeks information not relevant to the claims or defenses of any party and not
13 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
14 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
15 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it
16 seeks "any and all documents" and to the extent the Request is not limited to documents related to
17 Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as
18 vague and ambiguous, particularly with respect to the phrase "Patient Advocacy options," which is
19 vague and undefined.

20 Subject to and without waiving the Preliminary Statement and Objections, Objections to
21 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
22 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
23 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
24 response to this Request.

REQUEST FOR PRODUCTION NO. 83:

For the period of January 1, 2015, to present, any and all documents related to United's selection of Provider U&C Inquiry Management services to be used in relation to Viant OPR/Facility R&C claims.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the phrase "Provider U&C Inquiry Management services," which is vague and undefined.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 84:

For the period of January 1, 2015, to present, any and all documents related to the Patient Advocacy Process to be used in relation to Viant OPR/Facility R&C claims.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not

1 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
2 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
3 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it
4 seeks “any and all documents” and to the extent the Request is not limited to documents related to
5 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as
6 vague and ambiguous, particularly with respect to the phrase “Patient Advocacy Process,” which is
7 vague and undefined. MultiPlan further objects to the extent this Request is duplicative of other
8 Requests.

9 Subject to and without waiving the Preliminary Statement and Objections, Objections to
10 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
11 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
12 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
13 response to this Request.

14 **REQUEST FOR PRODUCTION NO. 85:**

15 For the period of January 1, 2015, to present, any and all documents relating to Appealed
16 Savings for claims priced through Viant OPR/Facility R&C.

17 **RESPONSE:**

18 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
19 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
20 the ground that it seeks information not relevant to the claims or defenses of any party and not
21 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
22 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
23 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it
24 seeks “any and all documents” and to the extent the Request is not limited to documents related to
25 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as
26 vague and ambiguous, particularly with respect to the phrase “Appealed Savings,” which is vague and
27 undefined.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 86:

For the period of January 1, 2015, to present, any and all documents relating to the use of Stand on Data (SOD) in appeals of claims priced through Viant OPR/Facility R&C.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the phrase “Stand on Data (SOD),” which is vague and undefined.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 87:

For the period of January 1, 2015, to present, any and all documents relating to MultiPlan’s standard operating procedure (SOP) for appeals of claims priced through Viant OPR/Facility R&C.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the phrases “MultiPlan’s standard operating procedure (SOP)” and “appeals,” which are vague and undefined. MultiPlan further objects to the extent this Request is duplicative of other Requests.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 88:

For the period of January 1, 2015, to present, any and all documents relating to the application of Viant’s proprietary fee schedule to United claims.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it

1 seeks “any and all documents” and to the extent the Request is not limited to documents related to
 2 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as
 3 vague and ambiguous, particularly with respect to the phrase “Viant’s proprietary fee schedule,” which
 4 is vague and undefined. MultiPlan further objects to the extent this Request is duplicative of other
 5 Requests.

6 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 7 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 8 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 9 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
 10 response to this Request.

11 **REQUEST FOR PRODUCTION NO. 89:**

12 For the period of January 1, 2015, to present, any and all documents, including claims
 13 flowcharts, relating to the reimbursement hierarchy for OON claims with HCPCS Code H0015,
 14 H2036, and/or S9480.

15 **RESPONSE:**

16 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 17 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 18 the ground that it seeks information not relevant to the claims or defenses of any party and not
 19 reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information
 20 about claims other than out-of-network claims for intensive outpatient programs for which
 21 reimbursement rates were calculated using Viant’s OPR product. MultiPlan further objects to this
 22 Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents”
 23 and to the extent it seeks information not related to Viant’s OPR pricing for intensive outpatient
 24 programs. MultiPlan further objects to this Request as overly broad and unduly burdensome. For
 25 example, this Request is overly broad and unduly burdensome to the extent it purports to seek
 26 information within a broadly defined category that includes multiple codes, including HCPCS Code
 27

H2036, that have no apparent connection to the IOP services at issue in the case. Furthermore, as framed, this Request is overly broad because it is not limited to claims “paid or adjudicated” using the Viant OPR data that Plaintiffs challenge in the Complaint. MultiPlan further objects to this Request on the grounds that the term “reimbursement hierarchy” is vague and undefined.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 90:

For the period of January 1, 2015, to present, any and all documents relating to UB/Facility claim OPR Target Pricing.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the phrase “UB/Facility claim OPR Target Pricing,”

1 which is vague and undefined. MultiPlan further objects to the extent this Request is duplicative of
 2 other Requests.

3 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 4 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 5 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 6 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
 7 response to this Request.

8 **REQUEST FOR PRODUCTION NO. 91:**

9 For the period of January 1, 2015, to present, any and all documents that relate to or compare
 10 Viant OPR/Facility R&C reimbursement amounts and FAIR Health, UCR, R&C or any other charge-
 11 based metric.

12 **RESPONSE:**

13 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 14 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 15 the ground that it seeks information not relevant to the claims or defenses of any party and not
 16 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
 17 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 18 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it
 19 seeks “any and all documents” and to the extent the Request is not limited to documents related to
 20 Viant’s OPR pricing for intensive outpatient programs. Based on a plain reading of Plaintiffs’
 21 Complaint, no other MultiPlan product or service is at issue in this case. MultiPlan further objects to
 22 this Request as vague and ambiguous, particularly with respect to the phrase “charge-based metric,”
 23 which is vague and undefined. MultiPlan further objects to the extent this Request is duplicative of
 24 other Requests.

25 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 26 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 27 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
 28

1 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 92:**

4 For the period of January 1, 2015, to present, produce all correspondence between MultiPlan
5 and Plaintiffs relating to or concerning Viant OPR.

6 **RESPONSE:**

7 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
8 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
9 the grounds that it is overly broad and duplicative of several other Requests. MultiPlan further objects
10 to this Request on the ground that it seeks information not relevant to the claims or defenses of any
11 party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears
12 to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in
13 this case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground
14 that it seeks “all correspondence” and to the extent the Request is not limited to documents related to
15 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request to
16 the extent it seeks information already in Plaintiffs’ possession, custody, and control. MultiPlan
17 further objects to the extent this Request is duplicative of other Requests.

18 Subject to and without waiving the Preliminary Statement and Objections, Objections to
19 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
20 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
21 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
22 response to this Request.

23 **REQUEST FOR PRODUCTION NO. 93:**

24 For the period of January 1, 2015, to present, produce a spreadsheet indicating ASO plan opt-
25 outs from Facility R&C benefit changes and/or Viant OPR percentile reductions.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it purports to require MultiPlan to produce a “spreadsheet” specifically for this litigation beyond what is required by the Federal Rules and to the extent the Request is not limited to documents and information related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the phrase “Viant OPR percentile reductions,” which is vague and undefined. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 94:

All documents relating to Your process and procedures for responding to patients who have reported receiving balance bills from OON mental health/behavioral health providers from January 1, 2015, to present.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as being unintelligible because MultiPlan is not an insurance company and it has no patients or members. MultiPlan further objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “all documents” and to the extent it seeks information not related Viant’s OPR pricing for intensive outpatient programs.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 95:

All documents, other than those specifically prepared for or in response to litigation, relating to legal or regulatory concerns relating to Viant OPR/Facility R&C from January 1, 2015 to present.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “all documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the grounds that it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 96:

Complete copies of the inbound EDI files sent by United to MultiPlan that contain the claims of LD, DB, BW, RH, and CJ identified in the Complaint sent as part of a regular batch process.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on

the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “[c]omplete copies of the inbound EDI files” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request to the extent it seeks information outside of MultiPlan’s possession, custody, and control, including but not limited to any documents that may be in the possession of United but not MultiPlan. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the phrase “regular batch process,” which is vague and undefined.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 97:

Complete copies of the outbound EDI files received by United from MultiPlan that contain the claims of LD, DB, BW, RH, and CJ identified in the Complaint sent as part of a regular batch process.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “[c]omplete copies of the outbound EDI files” and to the extent the Request is not limited

1 to documents related to Viant's OPR pricing for intensive outpatient programs. MultiPlan further
 2 objects to this Request to the extent it seeks information outside of MultiPlan's possession, custody,
 3 and control, including but not limited to any documents that may be in the possession of United but
 4 not MultiPlan. MultiPlan further objects to this Request as vague and ambiguous, particularly with
 5 respect to the phrase "regular batch process," which is vague and undefined.

6 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 7 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 8 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
 9 search protocol to identify non-privileged documents in its possession, custody, and control that are
 10 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
 11 response to this Request.

12 **REQUEST FOR PRODUCTION NO. 98:**

13 Complete copies of the outbound EDI files received by United from MultiPlan that contain the
 14 claims of LD, DB, BW, RH, and CJ identified in the Complaint.

15 **RESPONSE:**

16 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 17 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 18 the grounds that it is clearly duplicative of Request No. 97. Accordingly, *see* Multiplan's Responses
 19 and Objections to Request No. 97, which are expressly referred to and incorporated herein. MultiPlan
 20 reserves the right to timely supplement and/or amend its response to this Request.

21 **REQUEST FOR PRODUCTION NO. 99:**

22 Any and all Pricing Statements created by the MultiPlan Client Portal website for the Plaintiffs'
 23 claims as set forth in the Complaint.

24 **RESPONSE:**

25 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 26 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 27 the ground that it seeks information not relevant to the claims or defenses of any party and not
 28

1 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
 2 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
 3 case. MultiPlan further objects to this Request on the grounds that it is vague and ambiguous as to the
 4 terms “Pricing Statements” and “MultiPlan Client Portal.” MultiPlan also objects to this Request as
 5 overbroad and unduly burdensome on the ground that it seeks “[a]ny and all Pricing Statements” And
 6 to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive
 7 outpatient programs.

8 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 9 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 10 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
 11 search protocol to identify non-privileged documents in its possession, custody, and control that are
 12 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
 13 response to this Request.

14 **REQUEST FOR PRODUCTION NO. 100:**

15 Any and all recordings and transcripts of the verification of benefits calls relative to the claims
 16 of LD, DB, BW, RH, and CJ identified in the Complaint.

17 **RESPONSE:**

18 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 19 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 20 the grounds that it is vague and ambiguous as to the term “verification of benefits calls.” MultiPlan
 21 also objects to this Request as overbroad and unduly burdensome on the ground that it seeks “[a]ny
 22 and all” recordings and transcripts. MultiPlan further objects on that basis that it is not an insurance
 23 company, TPA, or other third-party payor, and a “verification of benefits call” is a step performed by
 24 a payor. Subject to and without waiving the Preliminary Statement and Objections, Objections to
 25 Definitions and Instructions, or the foregoing specific objections, and based on MultiPlan’s
 26 understanding of what is being requested, MultiPlan states that it has no documents in its possession,
 27
 28

1 custody, or control that are responsive to this Request. MultiPlan reserves the right to timely
2 supplement and/or amend its response to this Request.

3 **REQUEST FOR PRODUCTION NO. 101:**

4 Any and all recordings and transcripts of the prior authorization calls relative to the claims of
5 LD, DB, BW, RH, and CJ identified in the Complaint.

6 **RESPONSE:**

7 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
8 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
9 the grounds that it is vague and ambiguous as to the term “prior authorization calls.” MultiPlan also
10 objects to this Request as overbroad and unduly burdensome on the ground that it seeks “[a]ny and
11 all” recordings and transcripts. MultiPlan further objects on that basis that it is not an insurance
12 company, TPA, or other third-party payor, and a “prior authorization call” is a step performed by a
13 payor. Subject to and without waiving the Preliminary Statement and Objections, Objections to
14 Definitions and Instructions, or the foregoing specific objections, and based on MultiPlan’s
15 understanding of what is being requested, MultiPlan states that it has no documents in its possession,
16 custody, or control that are responsive to this Request. MultiPlan reserves the right to timely
17 supplement and/or amend its response to this Request.

18 **REQUEST FOR PRODUCTION NO. 102:**

19 For the period January 1, 2015, all internal or external communications referencing “Summit
20 Estate” or TIN 27-0244111.

21 **RESPONSE:**

22 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
23 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
24 the ground that it seeks information not relevant to the claims or defenses of any party and not
25 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
26 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
27 case. For example, this Action concerns claims brought by members and the related Provider action

1 brought by Summit Estate was dismissed by the Court. MultiPlan further objects to this Request on
2 the grounds that it is overbroad and unduly burdensome including to the extent it seeks “all”
3 communications and to the extent the Request is not limited to documents related to Viant’s OPR
4 pricing for intensive outpatient programs. MultiPlan also objects to this Request to the extent that it
5 seeks information which is subject to a claim of privilege or which is otherwise protected from
6 disclosure by, including without limitation, the attorney-client privilege or the attorney work product
7 doctrine.

8 Subject to and without waiving the Preliminary Statement and Objections, Objections to
9 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
10 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
11 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
12 response to this Request.

13 **REQUEST FOR PRODUCTION NO. 103:**

14 For the period January 1, 2015, all internal or external communications referencing “ATAC”
15 or Addiction Treatment Advocacy Coalition.

16 **RESPONSE:**

17 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
18 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
19 the ground that it seeks information not relevant to the claims or defenses of any party and not
20 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
21 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
22 case. MultiPlan further objects to this Request on the grounds that it is overbroad and unduly
23 burdensome including to the extent it seeks “all” communications and to the extent the Request is not
24 limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan also
25 objects to this Request to the extent that it seeks information which is subject to a claim of privilege
26 or which is otherwise protected from disclosure by, including without limitation, the attorney-client
27 privilege or the attorney work product doctrine.

1 Subject to and without waiving the Preliminary Statement and Objections, Objections to
2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
4 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
5 response to this Request.

6 **REQUEST FOR PRODUCTION NO. 104:**

7 Any and all documents pertaining or relating to Summit Estate treatment center in Your
8 possession.
9

10 **RESPONSE:**

11 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
12 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
13 the ground that it seeks information not relevant to the claims or defenses of any party and not
14 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
15 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
16 case. For example, this Action concerns claims brought by members and the related Provider action
17 brought by Summit Estate was dismissed by the Court. MultiPlan objects to this Request on the
18 grounds that it is vague and ambiguous including as to the terms “pertaining to” and “relating to.”
19 MultiPlan further objects to this Request on the grounds that it is overbroad and unduly burdensome
20 including to the extent it seeks “any and all documents” and to the extent the Request is not limited to
21 documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan also objects to
22 this Request to the extent that it seeks information which is subject to a claim of privilege or which is
23 otherwise protected from disclosure by, including without limitation, the attorney-client privilege or
24 the attorney work product doctrine.

25 Subject to and without waiving the Preliminary Statement and Objections, Objections to
26 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
27 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
28

1 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 105:**

4 Any and all recordings and transcripts of telephone calls between Plaintiffs and MultiPlan,
5 including, but not limited to, calls between Plaintiffs and MultiPlan's customer service agents.

6 **RESPONSE:**

7 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
8 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
9 the ground that it seeks information not relevant to the claims or defenses of any party and not
10 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek
11 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this
12 case. MultiPlan further objects to this Request on the grounds that it is vague and ambiguous as to the
13 terms "recordings," "transcripts," and "MultiPlan's customer service agents." MultiPlan further
14 objects to this Request on the grounds that it is overbroad and unduly burdensome including to the
15 extent that it seeks "[a]ny and all" recordings and transcripts and to the extent the Request is not limited
16 to documents related to Viant's OPR pricing for intensive outpatient programs. MultiPlan further
17 objects to the extent this Request is duplicative of other Requests.

18 Subject to and without waiving the Preliminary Statement and Objections, Objections to
19 Definitions and Instructions, or the foregoing specific objections, MultiPlan states that it is unaware
20 of any such "recordings or transcripts" existing; however, MultiPlan will meet and confer with
21 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,
22 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its
23 response to this Request.

24 **REQUEST FOR PRODUCTION NO. 106:**

25 Any and all recordings and transcripts of telephone calls between Summit Estate treatment
26 center and MultiPlan, including, but not limited to, calls between Plaintiffs' Providers and MultiPlan's
27 customer service agents.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. For example, the Request seeks information about telephone calls that are not limited to claims and allegations related to Viant's pricing methods for intensive outpatient programs. Moreover, this Action concerns claims brought by members and the related Provider action brought by Summit Estate was dismissed by the Court. MultiPlan further objects to this Request on the grounds that it is vague and ambiguous as to the terms "recordings," "transcripts," "Plaintiffs' Providers," and "MultiPlan's customer service agents." MultiPlan further objects to this Request on the grounds that it is overbroad and unduly burdensome including to the extent that it seeks "any and all" recordings and transcripts and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to the extent this Request is duplicative of other Requests.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan states that it is unaware of any such "recordings or transcripts" existing; however, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 107:

Any and all recordings of telephone calls or documents relating to any appeals of Plaintiffs claims in MultiPlan's possession, custody, or control.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request on the grounds that it is vague and ambiguous as to the terms “recordings,” and “appeals.” MultiPlan further objects to this Request on the grounds that it is overbroad and unduly burdensome including to the extent that it seeks “[a]ny and all” recordings and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to the extent this Request is duplicative of other Requests.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan states that it is unaware of any such documents existing; however, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 108:

Any and all documents to or from Dale White pertaining to the matters at issue in this action including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the grounds that it unnecessarily seeks confidential business information from one of its senior executives. Any relevant information potentially responsive to this Request is obtainable through less burdensome means through other Requests. Likewise, MultiPlan objects to Plaintiffs’ apparent attempt

1 to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case.
 2 MultiPlan further objects to this Request on the ground that it seeks information not relevant to the
 3 claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible
 4 evidence, to the extent it seeks information about claims other than out-of-network claims for intensive
 5 outpatient programs for which reimbursement rates were calculated using Viant's OPR product.
 6 MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that
 7 it seeks "any and all documents" and to the extent the Request is not limited to documents related to
 8 Viant's OPR pricing for intensive outpatient programs. MultiPlan reserves the right to timely
 9 supplement and/or amend its response to this Request.

10 **REQUEST FOR PRODUCTION NO. 109:**

11
 12 Any and all documents to or from Mark Tabak pertaining to the matters at issue in this action
 13 including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January
 14 1, 2015, to present.

15 **RESPONSE:**

16 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
 17 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
 18 the grounds that it unnecessarily seeks confidential business information from one of its senior
 19 executives. Any relevant information potentially responsive to this Request is obtainable through less
 20 burdensome means through other Requests. Likewise, MultiPlan objects to Plaintiffs' apparent attempt
 21 to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case.
 22 MultiPlan further objects to this Request on the ground that it seeks information not relevant to the
 23 claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible
 24 evidence, to the extent it seeks information about claims other than out-of-network claims for intensive
 25 outpatient programs for which reimbursement rates were calculated using Viant's OPR product.
 26 MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that
 27 it seeks "any and all documents" and to the extent the Request is not limited to documents related to
 28

Viant's OPR pricing for intensive outpatient programs. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 110:

Any and all documents to or from Michael Ferrante pertaining to the matters at issue in this action including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the grounds that it unnecessarily seeks confidential business information from one of its senior executives who is no longer an employee of MultiPlan. Any relevant information potentially responsive to this Request is obtainable through less burdensome means through other Requests. MultiPlan further objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 111:

Any and all documents to or from Mark Edwards pertaining to the matters at issue in this action including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on

1 the ground that it seeks information not relevant to the claims or defenses of any party and not
2 reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks in-
3 formation about claims other than out-of-network claims for intensive outpatient programs for which
4 reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this
5 Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents"
6 and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive
7 outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select
8 who MultiPlan's ESI custodians, if any, might potentially be in this case. Subject to and without
9 waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the
10 foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what
11 documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify
12 non-privileged documents in its possession, custody, and control that are responsive to this Request.
13 MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

14 **REQUEST FOR PRODUCTION NO. 112:**

15 Any and all documents to or from Tina Smith pertaining to the matters at issue in this action
16 including Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

17 **RESPONSE:**

18 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
19 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
20 the ground that it seeks information not relevant to the claims or defenses of any party and not
21 reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks in-
22 formation about claims other than out-of-network claims for intensive outpatient programs for which
23 reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this
24 Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents"
25 and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive
26 outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select
27 who MultiPlan's ESI custodians, if any, might potentially be in this case.

1 Subject to and without waiving the Preliminary Statement and Objections, Objections to
2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
4 search protocol to identify non-privileged documents in its possession, custody, and control that are
5 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
6 response to this Request.

7 **REQUEST FOR PRODUCTION NO. 113:**

8 Any and all documents to or from Susan Mohler pertaining to the matters at issue in this action
9 including Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

10 **RESPONSE:**

11 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
12 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
13 the grounds that it unnecessarily seeks confidential business information from one of its senior
14 executives. Any relevant information potentially responsive to this Request is obtainable through less
15 burdensome means through other Requests. Likewise, MultiPlan objects to Plaintiffs' apparent attempt
16 to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case.
17 MultiPlan further objects to this Request on the ground that it seeks information not relevant to the
18 claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible
19 evidence, to the extent it seeks information about claims other than out-of-network claims for intensive
20 outpatient programs for which reimbursement rates were calculated using Viant's OPR product.
21 MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that
22 it seeks "any and all documents" and to the extent the Request is not limited to documents related to
23 Viant's OPR pricing for intensive outpatient programs. MultiPlan reserves the right to timely
24 supplement and/or amend its response to this Request.

25 **REQUEST FOR PRODUCTION NO. 114:**

26 Any and all documents to or from Bill Ginther pertaining to the matters at issue in this action
27 including Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 115:

Any and all documents to or from Emma Johnson pertaining to the matters at issue in this action including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which

1 reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this
2 Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents"
3 and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive
4 outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select
5 who MultiPlan's ESI custodians, if any, might potentially be in this case.

6 Subject to and without waiving the Preliminary Statement and Objections, Objections to
7 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
8 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
9 search protocol to identify non-privileged documents in its possession, custody, and control that are
10 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
11 response to this Request.

12 **REQUEST FOR PRODUCTION NO. 116:**

13
14 Any and all documents to or from Mike McEttrick pertaining to the matters at issue in this
15 action including Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

16 **RESPONSE:**

17 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
18 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
19 the grounds that it unnecessarily seeks confidential business information from one of its senior
20 executives who is no longer an employee of MultiPlan. Any relevant information potentially
21 responsive to this Request is obtainable through less burdensome means through other Requests.
22 MultiPlan further objects to this Request on the ground that it seeks information not relevant to the
23 claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible
24 evidence, to the extent it seeks information about claims other than out-of-network claims for intensive
25 outpatient programs for which reimbursement rates were calculated using Viant's OPR product.
26 MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that
27 it seeks "any and all documents" and to the extent the Request is not limited to documents related to
28

1 Viant's OPR pricing for intensive outpatient programs. MultiPlan reserves the right to timely
2 supplement and/or amend its response to this Request.

3 **REQUEST FOR PRODUCTION NO. 117:**

4 Any and all documents to or from Sean Crandell pertaining to the matters at issue in this action
5 including Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

6 **RESPONSE:**

7 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
8 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
9 the ground that it seeks information not relevant to the claims or defenses of any party and not
10 reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information
11 about claims other than out-of-network claims for intensive outpatient programs for which
12 reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this
13 Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents"
14 and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive
15 outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select
16 who MultiPlan's ESI custodians, if any, might potentially be in this case.

17 Subject to and without waiving the Preliminary Statement and Objections, Objections to
18 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
19 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
20 search protocol to identify non-privileged documents in its possession, custody, and control that are
21 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
22 response to this Request.

23 **REQUEST FOR PRODUCTION NO. 118:**

24 Any and all documents to or from Ben Fuchsen pertaining to the matters at issue in this action
25 including Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case. Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 119:

Any and all documents to or from Jacqueline Kienzle pertaining to the matters at issue in this action including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case. MultiPlan further objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims

1 for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR
 2 product. MultiPlan further objects to this Request as overly broad and unduly burdensome on the
 3 ground that it seeks "any and all documents" and to the extent the Request is not limited to documents
 4 related to Viant's OPR pricing for intensive outpatient programs.

5 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 6 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 7 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
 8 search protocol to identify non-privileged documents in its possession, custody, and control that are
 9 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
 10 response to this Request.

11 **REQUEST FOR PRODUCTION NO. 120:**

12 Any and all documents to or from Kim Dugan pertaining to the matters at issue in this action
 13 including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January
 14 1, 2015, to present.

15 **RESPONSE:**

16 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions
 17 and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground
 18 that it seeks information not relevant to the claims or defenses of any party and not reasonably
 19 calculated to lead to the discovery of admissible evidence, to the extent it seeks information about
 20 claims other than out-of-network claims for intensive outpatient programs for which reimbursement
 21 rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly
 22 broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent
 23 the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient
 24 programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who
 25 MultiPlan's ESI custodians, if any, might potentially be in this case.

26 Subject to and without waiving the Preliminary Statement and Objections, Objections to
 27 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
 28

1 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
2 search protocol to identify non-privileged documents in its possession, custody, and control that are
3 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
4 response to this Request.

5 **REQUEST FOR PRODUCTION NO. 121:**

6 Any and all documents to or from Thomas Ralston pertaining to Facility R&C, Viant OPR,
7 and/or FAIR Health from January 1, 2015 to present.

8 **RESPONSE:**

9 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on
11 the grounds that it unnecessarily seeks confidential business information from one of its senior
12 executives who is no longer an employee of MultiPlan. Any relevant information potentially
13 responsive to this Request is obtainable through less burdensome means through other Requests.
14 Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who MultiPlan's ESI
15 custodians, if any, might potentially be in this case. MultiPlan further objects to this Request on the
16 ground that it seeks information not relevant to the claims or defenses of any party and not reasonably
17 calculated to lead to the discovery of admissible evidence, to the extent it seeks information about
18 claims other than out-of-network claims for intensive outpatient programs for which reimbursement
19 rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly
20 broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent
21 the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient
22 programs. MultiPlan reserves the right to timely supplement and/or amend its response to this
23 Request.

24 **REQUEST FOR PRODUCTION NO. 122:**

25 Any and all documents to or from Lisa Miller pertaining to the matters at issue in this action
26 including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January
27 1, 2015, to present.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case. Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 123:

Any and all documents to or from Susan Dominy pertaining to the matters at issue in this action including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this

Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs’ apparent attempt to unilaterally select who MultiPlan’s ESI custodians, if any, might potentially be in this case. Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 124:

Any and all documents to or from Michael Bandomer pertaining to the matters at issue in this action including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant’s OPR product. Mr. Bandomer deals exclusively with Data iSight, so he is not likely to have information relevant to this case, because based on a plain reading of Plaintiffs’ Complaint, MultiPlan’s Data iSight product is not at issue in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs’ apparent attempt to unilaterally select who MultiPlan’s ESI custodians, if any, might potentially be in this case.

1 Subject to and without waiving the Preliminary Statement and Objections, Objections to
2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with
3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable
4 search protocol to identify non-privileged documents in its possession, custody, and control that are
5 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its
6 response to this Request.

7 **REQUEST FOR PRODUCTION NO. 125:**

8 Any and all documents for which Dale White, Mark Tabak, Michael Ferrante, Mark Edwards,
9 Tina Smith, Susan Mohler, Bill Ginther, Emma Johnson, Sean Crandell, Ben Fuchsen, Jacqueline
10 Kienzle, Lisa Miller, Michael Bandomer, Susan Dominy and/or Kim Dugan were custodians
11 pertaining to the matters at issue in this action including the Network Access Agreement, Facility R&C,
12 Viant OPR, and FAIR Health from January 1, 2015, to present.

13 **RESPONSE:**

14 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to
15 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as
16 being clearly duplicate of other Requests. MultiPlan also objects to this Request on the ground that it
17 seeks information not relevant to the claims or defenses of any party and not reasonably calculated to
18 lead to the discovery of admissible evidence, to the extent it seeks information about claims other than
19 out-of-network claims for intensive outpatient programs for which reimbursement rates were
20 calculated using Viant's OPR product. MultiPlan further objects to this Request as overly broad and
21 unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request
22 is not limited to documents related to Viant's OPR pricing for intensive outpatient programs.
23 MultiPlan further objects on the grounds that such information is covered under, and if applicable, will
24 be addressed through, the parties' ESI protocol. MultiPlan reserves the right to timely supplement
25 and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 126:

Produce a report showing all actions taken by United relating to the collection of ESI and documents responsive to Plaintiffs' requests contained herein.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan further objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly broad and unduly burdensome to the extent it purports to require MultiPlan to produce a "report" specifically for this litigation beyond what is required by the Federal Rules. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the phrase "all actions taken." MultiPlan further objects to this Request on the grounds that it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine. MultiPlan further objects on the grounds that such information is covered under, and if applicable, will be addressed through, the parties' ESI protocol. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 127:

Produce a report showing all databases and other systems used to produce the information requested herein.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information

about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly broad and unduly burdensome to the extent it purports to require MultiPlan to produce a "report" specifically for this litigation containing "all" databases and systems within a broadly defined category and beyond what is required by the Federal Rules. MultiPlan also objects to this Request on the grounds that it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine. MultiPlan further objects on the grounds that such information is covered under, and if applicable, will be addressed through, the parties' ESI protocol. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 128:

Any and all ESI or event data records that involves the Plaintiffs or their healthcare providers including:

- a. Email communications;
- b. Computer applications or programs such as customer order forms or customer service forms;
- c. Instant messaging;
- d. Short Message Service (SMS) systems;
- e. Work phone, home phone, cell phone, or pager records;
- f. Voicemail systems;
- g. IVR systems and recordings therefrom;
- h. Any data reflecting Plaintiffs' claims;
- i. Any data reflecting claims submission from United;
- j. Word processing systems, spreadsheet and database systems;
- k. System history files;
- l. Claims tracking databases;
- m. E-mail tracking databases;
- n. Member databases;

o. Calendar systems;

p. Intranet systems used or accessed that relate to MultiPlan;

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. For example, this request seeks information and documents that involves Plaintiffs' healthcare providers but this Action concerns claims brought by members and the related Provider action brought by Summit Estate was dismissed by the Court. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all ESI or event data records" and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. MultiPlan also objects to this Request to the extent it is duplicative of other Requests. MultiPlan also objects to this Request on the grounds that it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine. MultiPlan further objects on the grounds that such information is covered under, and if applicable, will be addressed through, the parties' ESI protocol. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

REQUEST FOR PRODUCTION NO. 129:

Any and all documents relating to the retention, collection, and production of documents (electronic and physical) related to Plaintiffs' litigation:

a. Scope of the Litigation hold;

b. Steps taken by MultiPlan to advise their employees, including, but not limited to, "Key Custodians" with respect to the facts underlying the litigation, and information systems personnel, of the substantive principles governing

- c. Collection of ESI and documents responsive to Plaintiffs' document requests;
- d. Procedures, software, and search terms used to filter or cull ESI for production to Plaintiffs;
- e. Databases used to produce the information demanded by Plaintiffs' Discovery Demands;
- f. MultiPlan's archival and backup systems, including those onsite, offsite and maintained by third-party vendors;
- g. MultiPlan's document retention policies.

RESPONSE:

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. MultiPlan objects to this Request on the grounds that it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine. MultiPlan further objects on the grounds that such information is covered under, and if applicable, will be addressed through, the parties' ESI protocol. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

1 DATED: September 16, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of September 2021 a copy of the foregoing was served via electronic mail upon all counsel of record .

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